

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-19488-2022
Date of decision: 09.05.2022**

RAHUL

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Sunil Agnihotri, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J.(Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 praying for quashing of FIR No. 0154 dated 09.08.2021 registered under Sections 209 and 419 of the Indian Penal Code, 1860 (For short “the IPC”) registered at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and charges framed under Section 209 and 419 vide order dated 27.10.2021 passed by Senior Division Judicial Magistrate, Mukerian (Annexure P-2) and all other consequential proceedings arising out the same FIR.

2. Learned counsel for the petitioner contends that there were in fact two matters on the same date one bearing FIR No. 154 dated 09.08.2021 registered under Sections 209 and 419 and other bearing FIR No. 09 of 2017 under Sections 323, 324 and 427 of the IPC . The presence of Gaurav, the brother of the petitioner was wrongly marked

and the authorities have thereafter initiated the proceedings by assuming as if a deliberate attempt had been made to produce somebody else in place of the petitioner Rahul.

3. Learned counsel further points out that he was present in the Court on the said date. He further submits that procedure under Section 195 Cr.P.C. was not followed.

4. Notice of motion.

5. Ms.Amarjit Kaur Khurana, DAG, Punjab appears and accepts notice on behalf of the respondent-State. An advance copy of the petitioner had already been served.

6. Learned State counsel submits on instructions that the case has already been proceeded at advance level and as a matter of fact, 05 witnesses out of the total 08 witnesses cited have already been examined. She further submits that the case is fixed for examination of the remaining witnesses on 11.05.2022.

7. Faced with the above and the fact that the trial Court is already an advance stage where the prosecution evidence is at about to conclude, learned counsel appearing on behalf of the petitioner does not press the instant petition and seeks permission to withdraw the same.

Dismissed as withdrawn at this stage.

MAY 09, 2022
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No