

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

CRM-M-46099 of 2017 (O&M)

DECIDED ON: 5th May, 2022

Baldev Singh and others

.....PETITIONERS

VERSUS

State of Punjab and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vipin Mahajan, Advocate for petitioners.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Ritesh Pandey, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 482 Cr.P.C. is filed for quashing of order dated 22.9.2017 passed by the Additional Sessions Judge, Gurdaspur, accepting the revision petition filed by complainant Sukhdeep Singh and remanding the matter back to the Judicial Magistrate Ist Class, to decide the criminal complaint afresh.

The brief facts are that a complaint was filed against the seven accused including the petitioner. Allegations were that on 28.5.2008 at about 9:00 p.m. Complainant and Mantosh were going towards the fields and when they reached near house of Manga Masih, accused armed with Kirpan, datar, dang sota, base ball bat, raised lalkara and inflicted injuries. Sukhdeep Singh who intervened was given slap and his turban was removed. An amount of Rs.800/- was snatched.

Notice of motion was issued on 19.12.2017 qua petitioners No.2, 5 and 7, taking into consideration that they are ladies, their age and that the injured person sustained simple injuries. Further proceedings qua the petitioners No. 2, 5 and 7 was stayed.

Learned counsel for complainant submits that due to stay of proceedings qua the petitioners, there is no headway in the complaint.

It would not be appropriate for this Court to partially decide the issue with regard to complaint qua three accused, as it would have influence on the case against the other accused.

Without commenting upon the merits of the case, considering the facts and circumstances in totality, the petition is disposed of. However, considering the age and role attributed to the petitioners No. 2, 5 and 7, personal appearance of the petitioners, until and unless statutorily required, is exempted during the complaint.

There is no doubt that considering that the incident is of 2008, Judicial Magistrate Ist Class, will make earnest effort to conclude the proceedings as expeditiously as possible.

5th May, 2022

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *No*