

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

CRM-M-46888-2022

Date of Decision: 09.11.2022

AMAN @ LUCKY AND ORS

..... Petitioners

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sanjiv Aggarwal, Advocate and
Mr. Tejas Banswal, Advocate for the petitioners.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Section 482 Cr.P.C. is seeking setting aside of order dated 17.08.2022 passed by learned JMIC, Ambala whereby an application moved by petitioner seeking clubbing/consolidation of case bearing No.CHI/382/2019 titled as State Vs. Mohit etc. pertaining to FIR No.95 dated 03.10.2018 under Sections 323, 353, 186, 452, 34 and 427 IPC Police Station Naggal, District Ambala with case bearing No.CHI/1744/2018 titled as State Vs. Mohit etc. pertaining to FIR No.226 dated 30.09.2018 under Sections 323 Police Station Ambala Sadar, District Ambala was dismissed on the ground that complainant in both the FIR and police station are different.

2. Learned counsel for the petitioner would contend that date of incident is 29.09.2018. The allegation against the petitioner is that he on 29.09.2018 caused injuries to complainant in FIR No.226 dated 30.09.2018 as well complainant in FIR No.95 dated 03.10.2018. The police after investigation has filed its report under Section 173 Cr.P.C. alleging commission of offence under Sections 323, 353, 186, 452, 34 and 427 IPC in FIR No.95 dated 03.10.2018 and under Section 323 IPC in FIR No.226 dated 30.09.2018. Learned CJM, Ambala vide order dated 04.12.2019 has ordered to transfer both the cases to one JMIC, Ambala and both trials are

pending before one JMIC.

3. Notice of motion.

4. On the asking of Court, Ms. Dimple Jain, AAG, Haryana accepts notice on behalf of the respondent-State and on being pointed out above narrated facts states that complainant are different in both the FIRs even though the incident took place on the same date.

5. Having considered arguments of both sides and perused the record, this Court is of the considered opinion that case of petitioner falls within purview of Section 220 Cr.P.C. which reads as under:

“220. Trial for more than one offence.—(1) If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

(2) When a person charged with one or more offences of criminal breach of trust or dishonest misappropriation of property as provided in sub-section (2) of Section 212 or in sub-section (1) of Section 219, is accused of committing, for the purpose of facilitating or concealing the commission of that offence or those offences, one or more offences of falsification of accounts, he may be charged with, and tried at one trial for, every such offence.

(3) If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with, and tried at one trial for, each of such offences.

(4) If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person

accused of them may be charged with, and tried at one trial for the offence constituted by such acts when combined, and for any offence constituted by any one, or more, of such acts.

(5) Nothing contained in this section shall affect Section 71 of the Indian Penal Code (45 of 1860). ”

6. From the perusal of above quoted section, it is quite evident that registration of two FIRs or two different complainants or two different police stations do not make difference whereas basic requirement is that in one series of acts more than one offences must be committed by the same person. In the case in hand, as per FIR(s) and arguments of both sides, the petitioners on 29.09.2018 attacked Harpreet Singh outside the hospital as well inside the hospital and during this course, they caused damage to hospital property and injuries to hospital staff including doctors. The acts and omissions committed by petitioners are part of same transaction and during the process of causing injuries to Harpreet Singh-victim, they have committed other offences. Case of petitioners falls within parameters of Section 220 of Cr.P.C. Even otherwise there is no prejudice to complainant and State, if both cases are clubbed and tried together. Rather, it would save valuable time and energy of prosecution and Court. Thus, in view of mandate of Section 220 Cr.P.C, the present petition is allowed and impugned order is set aside. Trial Court is directed to club both the trials and proceed accordingly.

7. The petition is allowed.

(JAGMOHAN BANSAL)
JUDGE

09.11.2022
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No