

(269)

2023:PHHC:109410

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

CRM-M-26978 of 2017

Date of Decision: August 22, 2023

Simarjit Singh @ Simma

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Vikas Gupta, Advocate, Mr. Nikhil Ghai,
Advocate and Mr. Sahdev, Advocate for
the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

Mr. Vikasdeep Singh, Advocate for respondent
No.2.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C is for quashing of FIR No.56 dated 04.09.2011 registered under Sections 307, 452, 323, 324, 506, 148, 149 IPC and Sections 25 and 27 of Arms Act, (challan presented under Sections 336, 323, 326, 452, 324, 506, 148, 149 IPC and Section 25, 27 of Arms Act) at Police Station Chohla Sahib, District Tarn Taran, the order dated 29.04.2015 (Annexure P.4) and the order dated 10.08.2015 (Annexure P.6) and all consequential proceedings arising therefrom.

It is contended by learned counsel for the petitioner that during investigation of the case, petitioner was declared innocent. Challan was filed by the Police against other co-accused. Petitioner had then left India on 27.09.2011. During trial, in his absence, he was

summoned under Section 319 Cr.P.C vide order dated 29.04.2015 (Annexure P.4). However, he being out of India, was never served and was declared proclaimed offender. After holding trial, all other accused have already been acquitted vide judgment dated 14.10.2015 (Annexure P.7).

Learned counsel contends that in the afore-said facts and circumstances of the case, present FIR against the petitioner deserves to be quashed.

Learned State Counsel concedes the fact that during investigation, petitioner was declared innocent.

Learned counsel for respondent No.2 – complainant has no objection if the present FIR qua the petitioner is quashed having regard to the fact that all remaining accused have already been acquitted.

In view of the afore-said facts and circumstances, present petition is allowed and FIR No.56 dated 04.09.2011 registered under Sections 307, 452, 323, 324, 506, 148, 149 IPC and Sections 25 and 27 of Arms Act, (challan presented under Sections 336, 323, 326, 452, 324, 506, 148, 149 IPC and Section 25, 27 of Arms Act) at Police Station Chohla Sahib, District Tarn Taran, the order dated 29.04.2015 (Annexure P.4) and the order dated 10.08.2015 (Annexure P.6) and all consequential proceedings arising therefrom are quashed.

August 22, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No