

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:109952
CRM-M-26485-2023
Date of Decision: August 23, 2023

Bakshish Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Aruz Khan, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

It is contended by learned counsel for the petitioner that regarding an occurrence of 27.08.2011, in which Kulwant Singh, the brother of petitioner was beaten up by some villagers, namely Namdev and Jagtar etc., FIR No.101, dated 02.09.2011 under Sections 323, 307, 506, 148 and 149 of IPC (Annexure P-1) was registered at Police Station Dehlon, District Ludhiana. After commitment, the case was fixed before the Court of Sessions and it has reached at the stage of defence/arguments.

Learned counsel for the petitioner contends that later on Jagtar Singh, who is one of the accused in the FIR has lodged a private complaint on 03.08.2015, copy of which is Annexure P-2, in which though the date of incident is stated to be the same, but with different allegations and after recording preliminary evidence, summoning order has been passed on 10.09.2018 vide Annexure P-3. Revision against the summoning order has been dismissed by learned Addl. Sessions Judge, Ludhiana, vide order 21.05.2022 (Annexure P-4). Now, Learned Judicial Magistrate 1st Class, Ludhiana has committed the complaint case to the Court of Sessions vide impugned order dated 28.02.2023 (Annexure P-5)

though it is not specifically mentioned that it is the cross version of FIR No.101 of 2011.

Learned counsel for the petitioner contends that the complaint was filed after four years of lodging of the FIR. The trial of the FIR case has already reached at the stage of defence/arguments and that the only purpose of filing the complaint after a delay of four years, was to delay the trial.

Learned counsel has relied upon the judgment of ***“Bijender v. State of Haryana and others”***, decided on 16.02.2025 vide CRM-M-1117 of 2015 (O&M), wherein a co-ordinate Bench of this Court after citing the relevant case law had held as under:-

“Though both the incident pertains to the same date but are not related to the one and the same incident. The FIR case and the complaint case are two separate and distinct incidents. There is a delay of about 2½ years in lodging the criminal complaint. From zimni orders, it emerges that the present petitioner is deliberately delaying the conclusion of the trial in the FIR case. Considering the fact that two distinct and separate incidents took place on the same date i.e. 16.06.2011, wherein, the place of occurrence and time of occurrence are different, therefore, the clubbing if allowed shall cause delay in the disposal of the already ripe case and injustice to the respondents.”

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab accepts notice on behalf of respondent-State.

Having regard to the facts and circumstances as noticed above and as agreed by learned State counsel, this petition is hereby disposed of with the direction to the concerned Court of Sessions to look

into the nature of allegations in the two matters i.e. Sessions case arising out of FIR No.101 of 2011 and the complaint case, which has been committed vide order Annexure P-5 and to see that if both pertain to the same incident then to dispose of them accordingly, otherwise, if they pertain to different incidents may be of the same date, then to decide them separately, keeping in view the legal position as explained in *Bijender's* case (*supra*).

August 23, 2023
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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No