

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

254-A

CRR-2361-2014 (O&M)

Date of Decision: January 17, 2023

Balwinder Singh

.....Petitioner(s)

Vs.

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.R.S. Bains, Sr. Advocate with
Mr. Sourabh Bedi, Advocate for the petitioner(s)

Mr. Harsimar Singh Sitta, DAG, Punjab

Ms. Divya Sharma, Advocate for respondents No.3 to 6

Mr. Tarundeep Kaur, Advocate for respondent No.7.

ANOOP CHITKARA J. (ORAL)

The petitioner being aggrieved person has come up before this Court against the order dated 05.03.2014 passed by JMIC Patti, vide which the concerned JMIC observed that only way to arraign the accused is under Section 319 Cr.P.C. after committal of the case to the Court of Sessions and dismissed his complaint.

The gist of the case is that petitioner had filed separate complaint before the Court of Magistrate and instead of taking evidence on the complaint, the concerned Judicial Magistrate closed the same by observing that only way to arraign the accused is under Section 319 Cr.P.C.

I have heard counsel for the petitioner as well as for the accused. The reasons given by the concerned JMIC are beyond the scope of law. Needless to say that to file private complaint, is an independent remedy available to him because any efforts of the State is to defend his case before the Court, not the cause of victim. If victim is aggrieved for not arraigning anyone as accused, he can even file private separate complaint.

Given above, the order dated 05.03.2014 is set aside and the present petition stands allowed. Concerned Court to proceed further on the complaint in accordance with law after recording preliminary evidence.

**(ANOOP CHITKARA)
JUDGE**

January 17, 2023

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Whether speaking/reasoned:

Yes/No

Whether reportable:

No