

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

CRM-M No.41163 of 2023

Decided on:07.11.2023

Gurmail Singh @ Gurmeet Singh

... Petitioner

Versus

State of Haryana and another

... Respondents

2. CRM-M No.41174 of 2023

Malkeet Kaur

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Surinder Mohan Sharma, Advocate
for the petitioner(s).

HARPREET SINGH BRAR, J. (ORAL)

1. By this common order, both the petitions, details of which have been given in head note, are being disposed of, as the issue involved therein is similar.

2. The petitioners in both the petitions have approached this Court under Section 482 Cr.P.C. seeking quashing of the of FIR No.70 dated 24.05.2021 registered under Sections 120-B, 306 IPC at Police Station Panjokhra, District Ambala (Anneuxre P-1) and subsequent proceedings arising therefrom including the final report under Section 173 Cr.P.C. (Annexure P-2) as well as the order dated 03.05.2023 (P-7).

3. Learned counsel appearing for the petitioner(s) contends that ingredients of Section 107 IPC are not made out, as no specific instances have been given in the FIR to attract Section 306 IPC. Moreover, two other persons, who are real brothers of the petitioner in CRM-M No.41174 of 2023 namely Malkeet Kaur, have been found innocent and they are not sent for trial by the investigating

agency, while filing final report under Section 173 Cr.P.C. It is further contended that even name of Malkeet Kaur was not mentioned in the suicide note. Learned counsel for the petitioner(s) refers to statements of Ram Murti and Ram Singh recorded by the investigating officer under Section 175 Cr.P.C. It is also contended that petitioners have also pleaded *alibi*. In supports of his arguments, learned counsel appearing for the petitioner(s) relies upon the judgment passed by the Madhya Pradesh High Court in ***Ram Pratap Vs. State of M.P. 2004 (3) RCR (Criminal) 441*** and the judgments passed by this Court in ***Harbhajan Sandhu Vs. State of Punjab and another 2022 (2) RCR (Criminal) 317*** and ***Razia Vs. State of Punjab and others 2023(1) Law Herald (P&H) 753***.

4. Mr. Gurmeet Singh, AAG, Haryana, who appears on advance notice, informs this Court that there is sufficient material available on record to indicate the complicity of petitioners in the alleged occurrence. The FIR is not an encyclopedia. After thorough investigation, both the petitioners are found involved in the alleged offence and on the basis of material available on record, learned trial Court has already framed charges against the petitioners on 03.05.2023.

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, this Court finds no force in the arguments raised by the learned counsel for the petitioner for quashing of the FIR and the subsequent proceedings arising therefrom. The judgments relied upon by the petitioner(s) are clearly distinguishable. The judgment rendered in ***Ram Pratap's case (supra)*** is against the order of conviction in appeal whereas the judgment in ***Razia's case (supra)*** was passed in an appeal preferred against the judgment of acquittal.

6. The issues raised by the petitioners in these petitions are required to be dealt with by the trial Court during the course of trial on the basis of evidence

adduced before it. The defence set up by the petitioners in the present petitions cannot be looked into at this stage. This Court does not find any ground to interfere in the present petitions.

7. Accordingly, both the petitions are dismissed. However, liberty is granted to the petitioners to raise all pleas taken before this Court at the appropriate stage before the trial Court, during the course of trial.

(HARPREET SINGH BRAR)
JUDGE

November 07, 2023
Pankaj*

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