

CRM-M-45252-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(122)

CRM-M-45252-2023

Date of Decision:- 12.09.2023

Tarun Puri

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Himmat Singh Sidhu, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

1. Petitioner has approached this Court under Section 482, Cr.P.C. primarily with two prayers. His first prayer is for stay of the proceedings in case bearing No.CIS CHI/388/2023 titled as “*State vs Rajiv Puri and others*” as Criminal Revision bearing CRR No.52 of 2023 is pending before the learned Sessions Court, Pathankot impugning dated 05.08.2023, Annexure P-13, whereby cancellation report presented by the Investigating Agency has been rejected by the learned Judicial Magistrate. His second prayer is for a direction to the Revisional Court for deciding the said revision petition in a time bound manner.

2. Background to the instant petition is a dispute between the petitioner and Rashma Kuthiala’s family over a plot, which is situated behind petitioner’s house. When Rashma Kuthiala started making construction on the plot, the petitioner’s family objected and they were

attacked. FIR No.241 dated 23.11.2020 under Sections 307, 324, 323, 120-B, 148 and 149 IPC, Annexure P-1, was registered by the petitioner at Police Station Division No.2, District Pathankot by Asha Rani. A cross case bearing G.D. No.29 dated 09.02.2021, Annexure P-4, was registered against the petitioner's family at Police Station Division No.2, District Pathankot. Challan against some of the accused was presented in the FIR, Annexure P-1, and on the basis of enquiry conducted by the Superintendent of Police, Gurdaspur, a cancellation report dated 14.03.2023, Annexure P-11, was presented in the cross case. By order dated 05.08.2023, Annexure P-13, learned Judicial Magistrate rejected the cancellation report and summoned the petitioner, Rajiv Puri, Kishan Chand, Sanjiv Puri, Poonam Puri, Shivani Puri, Amit Mehta and Harshita Puri under Section 326, IPC. This order is under challenge by the above named accused before the Sessions Court in the revision petition, Annexure P-14, and during its pendency, an application has been moved by Asha Rani for transfer of the petition levelling allegations against the accused. It has been submitted that the stay application filed in the revision petition is not being decided and in the meanwhile, the learned Judicial Magistrate has issued bailable warrants on 28.08.2023, Annexure P-16, against the accused.

3. I have heard counsel for the petitioner and considered his submissions.

4. Petitioner has not brought on record the copy of the interim orders passed by the revisional court. There is nothing to show that the Court is not proceeding with the adjudication of the revision petition. Merely, because an application for transfer of the petition has been filed, it

cannot be presumed that the application for stay or the revision filed by the petitioner would not be adjudicated. The assumption of the petitioner that due to pendency of the transfer application, his revision petition would not be decided, is based on surmises and conjectures, which are totally unfounded.

5. Finding no merit in the petition, both the prayers made are hereby rejected.
6. Petition is dismissed.

(SUVIR SEHGAL)
JUDGE

12.09.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No