

CRM-M-54363-2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-54363-2022 (O & M)

Date of decision: 15.03.2023

Jasmail Singh

... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None for the petitioner.

Ms. Navreet Kaur Barnala, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.107 dated 22.10.2022 (Annexure P-1) under Section 61 of the Excise Act, 1914 registered at Police Station Ghall Khurd, District Ferozepur and all subsequent proceedings arising therefrom.

On 23.11.2022, the following order was passed in this case:-

“The prayer in the petition under Section 482 Cr.PC is for quashing of FIR No.107 dated 22.10.2022 under Sections 61 of the Excise Act 1914 registered at Police Station Ghall Khurd, District Ferozepur as well as all subsequent proceedings arising therefrom as the criminal proceedings in question against the petitioner is patently illegal and a gross abuse process of the Court as well as the law.

The allegations against the petitioner are that he was committing the offence in question on 22.10.2022 on which date he is said to be actually confined in Central Jail,

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Ferozepur in FIR No.2 dated 01.01.2018 under Sections 307, 452, 324, 326, 323, 148, 149 IPC P.S. Ghall Khurd.

Notice of motion for 07.12.2022”.

Thereafter, on 07.12.2022, the following order was passed:-

“The present petition is for quashing of FIR No.107 dated 22.10.2022 under Section 61 of the Excise Act, 1914 registered at Police Station Ghall Khurd, District Ferozepur.

On 23.11.2022, the following order was passed:

“The prayer in the petition under Section 482 Cr.P.C. Is for quashing of FIR No.107 dated 22.10.2022 under Sections 61 of the Excise Act, 1914 registered at Police Station Ghall Khurd, District Ferozepur as well as all subsequent proceedings arising therefrom as the criminal proceedings in question against the petitioner is patently illegal and a gross abuse process of the Court as well as the law.

The allegations against the petitioner are that he was committing the offence in question on 22.10.2022 on which date he is said to be actually confined in Central Jail, Ferozepur in FIR No.2 dated 01.01.2018 under Sections 307, 452, 324, 326, 323, 148, 149 IPC P.S.Ghall Khurd.

Notice of motion for 07.12.2022.”

Pursuant to the passing of the afore-mentioned order, reply dated 05.12.2022 by way of affidavit of Sandeep Singh, PPS, Deputy Superintendent of Police (Rural), Ferozepur, District Ferozepur on behalf of respondents No.1 and 2 has been filed in the Court today, which is taken on record.

As per the said reply, it was the brother of the petitioner namely, Gurmail Singh @ Gela, who was stated to have committed the offence in question on 22.10.2022.

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Faced with the situation, counsel for the State submits that the appropriate application for discharge shall be moved before the trial Court within a period of two weeks.

Awaiting the decision of the said application, adjourned to 23.02.2023”.

In pursuance to the said order, the discharge application has been moved before the Trial Court on 24.01.2023.

In view of the above, no further orders are required to be passed by this Court.

However, the Magistrate concerned shall pass an appropriate order on the discharge application within a period of 02 weeks from the next date fixed before it.

Disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 15, 2023
sukhpreet

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