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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.13581 of 2021 (O&M)
Date of Decision: 05.11.2024

Jasvir Singh...Petitioner

Versus

State of Punjab and Another...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parampreet Singh Paul, Advocate for the petitioner.
Mr. Akshay Kumar, AAG, Punjab.
Mr. Vijay Lath, Advocate for respondent No.2.

ANOOP CHITKARA, J.

Criminal Complaint	No. 53 dated 08.07.2019, under Sections 302, 34, 120B IPC and sections 25, 27, 54, 59 of Arms Act
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1. Seeking quashing of the criminal complaint captioned above and summoning order dated 22.01.2020 (Annexure P-2), the petitioner has come up before this Court under Section 482, Cr.P.C..
2. Counsel for the private respondent submits that the petitioner seeks quashing of criminal complaint and summoning orders dated 22.01.2020. However, charges have been framed vide order dated 24.02.2022 i.e. after filing of the present petition. Counsel for the private respondent has handed over charge sheet dated 24.02.2022 passed by the Sessions Court concerned, which is taken on record.
3. On this, State counsel submits that since the petitioner seeks only quashing of summons and once a judicial order has been passed framing the charges, that judicial order must be explicitly challenged which has not been done in the present case, for the reasons, that the present petition was filed prior to framing of charges, rendering the present petition not maintainable.



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3. Given above, the present petition is disposed of, with liberty reserved to the petitioner to file fresh petition challenging the orders whereby charges against the petitioner have been framed. It is clarified that the time for which the present petition remained pending in this Court, shall not be counted for the purpose of limitation. All pending application(s), if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

05.11.2024
Sonia Puri

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