

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

128 CRM-M-22413-2022 (O&M)
Date of Decision : March 04, 2024

ASHWANI SINGLA -Petitioner

V/S

STATE OF PUNJAB AND ANOTHER -Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gurbir Singh Sidhu, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

CRM-6544-2024

1. As prayed for, the instant application seeking preponement of the date of hearing of the main case is **allowed**. The main case is ordered to be taken on board today itself for hearing.

CRM-M-22413-2022

2. Through the instant petition, the petitioner seeks quashing of FIR No.105 dated 05.07.2017, under Sections 324, 323, 506, 34 of the IPC, registered at P.S. Sadar Dhuri, District Sangrur, along with all consequential proceedings arising therefrom.

3. The learned counsel for the petitioner, in his asking for the relief (supra), has argued that since the petitioner's co-accused has already been acquitted by the learned trial Court concerned, therefore, the petitioner also deserves being treated at par through quashing of the FIR (supra), inasmuch as, subjecting the petitioner to face trial for the same

offences, would be a sheer abuse of the process of law.

4. Upon a specific query being posed by this Court, i.e. “Whether the petitioner has been declared a proclaimed person/offender or not”, the learned counsel for the petitioner could not make any concrete response, owing to his unawareness in this regard.

5. This Court is not inclined to grant the relief (*supra*), merely on the ground that, petitioner’s co-accused has earned acquittal. The reason for rejecting the argument (*supra*) ensues from the factum that, at this stage, it cannot be presumed that a similar and identical set of evidence, as led *qua* petitioner’s co-accused before the learned trial Court concerned, would be adduced against the present petitioner also. Nonetheless, this Court, in the instant proceedings, cannot evaluate and appreciate the evidence, as led against the petitioner’s co-accused, to conclude that subjecting the petitioner, who fled abroad during trial, to face trial would be prejudicial to his interests.

FINAL ORDER

6. For all the reasons (*supra*), this Court is constrained to dismiss the present petition. Accordingly, this petition is hereby **dismissed**.

March 04, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No