

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

114

CRM-M-34418-2023

Date of decision: 20.01.2024

PALWINDER SINGH ALIAS PALA ALIAS FALWINDER SINGH

....Petitioner

Versus

GURMIT SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gulzar Mohd., Advocate
for the petitioner.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, under Section 482 Cr.P.C prayer is made for quashing of complaint No.8/2 dated 13.02.2001, R.B.T No.17/4 of 08.04.2009 titled as "*Gurmit singh Vs. Hari Singh and Others*", under Sections 452, 447, 427, 341, 342, 506 and 511 of IPC, registered at Police Station Samrala, District Ludhiana (Annexure P-3), and, summoning order dated 19.07.2004 (Annexure P-4).
2. The prime argument of the learned counsel for the petitioner is that since the learned trial Court concerned has, after analyzing the pre-charge evidence, already discharged the co-accused, who was summoned to face trial in the year 2004, therefore, the petitioner, against whom identical allegations to that of co-accused have been levelled, deserves being treated at par with co-accused, as continuation of trial *qua* the present petitioner would be a sheer abuse of the process of law and would not bring any gainful result, rather would tantamount to the petitioner being treated discriminately.

3. This Court is not inclined to grant the asked for relief, in exercise of its powers, as envisaged under Section 482 Cr.P.C, for the following reasons:-
4. The primary reason for forming the above inference generates from the factum that the petitioner, who did not appear before the learned trial Court concerned, and was an absconder, has now after 20 years approached this Court, that too, while living abroad. Secondly, it is only the presumption of the present petitioner that he cannot be convicted, in case, if he is subjected to trial on the same set of allegations and evidence, as led against the discharged co-accused. Thirdly, since evidence is yet to be adduced before the learned trial Court concerned, therefore, it is for the learned trial Court concerned to, at the appropriate stage, evaluate the evidence and ascertain whether the petitioner is to be convicted or not?
5. In view of the above, this court, at this stage, cannot presume that same evidence, which led to discharge of co-accused, would be adduced against the present petitioner too, therefore, the present petition is devoid of merits, and the same is accordingly **dismissed**.

20.01.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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