



CRM-M-43131-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(119)

CRM-M-43131-2024

Date of Decision : 04.09.2024

Baljinder Singh @ Ramdiyal Singh

...Petitioner

Versus

Baldev Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Lakshay Bector, Advocate
for the petitioner.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition filed under Section 528 of BNSS, 2023, the petitioner is seeking quashing of criminal complaint bearing registration No.COMI/27/2015 dated 27.07.2015 titled 'Baldev Singh vs. Dilbagh Singh and others' (Annexure P-1), registered under Sections 341, 323, 506 and 34 of IPC, 1860 as well as subsequent proceedings arising therefrom and summoning order dated 27.09.2022 (Annexure P-5), passed by Judicial Magistrate, Ist Class, Payal.

2. It is not in dispute that the petitioner was earlier declared as a proclaimed offender in this case, and the order declaring proclaimed offender dated 07.07.2023 was challenged by the petitioner before this Court by filing CRM-M-29696-2024, which is now pending consideration before this Court. In that case, this Court has already stayed the operation of the impugned order declaring the petitioner as proclaimed offender. The issue which has been raised by learned counsel for the petitioner while throwing challenge to



the complaint as well as summoning order (supra), are in fact disputed questions of facts, which cannot be adjudicated by this Court in the instant petition under the provisions of Section 528 of BNSS.

3. Learned counsel for the petitioner has also placed reliance upon the judgment (Annexure P-10) through which the co-accused, who faced trial in the instant complaint has earned acquittal by judgment dated 24.01.2024. This Court has also perused that judgment, however, that would not come to the rescue of the present petitioner in order to ask the relief as sought in the instant petition.

4. Faced with the above difficulties, learned counsel for the petitioner would submit that he may be given liberty to raise all such pleas which are raised through the instant petition before this Court, before the concerned trial Court, however, mandamus be passed upon the trial Court to expedite the trial.

5. In view of the above submissions, the instant petition is ordered to be **dismissed as withdrawn**. However, the petitioner is granted liberty to raise all such pleas, which are raised through the instant petition before this Court, to raise the same before the learned trial Court concerned, at an apt stage. Further, trial Court will make all efforts to conclude the trial, and decide the complaint most expeditiously.

6. The instant petition is **disposed of accordingly**.

(KULDEEP TIWARI)
JUDGE

September 04, 2024
Manpreet

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