

2024:PHHC:055384

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

105 CRM-M-45522-2023
Date of Decision: 24.04.2024

Harkirat SinghPetitioner
Versus
State of Punjab and othersRespondents

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gourave Bhayyia Gilhotra, Advocate
for the petitioner.

Ms. Swati Batra, DAG, Punjab (Through VC).

ANOOP CHITKARA, J.

Present petition has been filed for quashing of FIR No.18 dated 15.12.2021 registered under Section 420/467/468/471/120B IPC and Sections 7/13(1)(a)(2) of PC Act, at Police Vigilance Bureau, District Bathinda along with all consequential proceedings arising therefrom, petitioner has come up before this Court .

2. Counsel for State on instructions submits that the petitioner is seeking quashing of FIR whereas during pendency of the petition, charges have been framed, therefore without challenging the charges, quashing petition is not maintainable.
3. Since the judicial order has been passed which has eclipsed the police report under Section 173 CrPC, as such, the petitioner has to challenge the same.
4. At this stage, petitioner’s counsel submits that he be permitted to withdraw the present petition with liberty to file fresh petition. One of plea of petitioner is that the question of law under Section 17A of PC Act is pending before the larger Bench of Hon’ble Supreme Court and he be permitted to file fresh petition based on the verdict of the Hon’ble Supreme Court, if need so arises. Secondly he be also permitted to file a revision petition challenging the charges on merits and delay

whatever occurred be also condoned because the charges are framed during pendency of present petition.

5. Given above, the present petition is disposed of as withdrawn with liberty as prayed for. It is clarified that since the charges have been framed during the pendency of present petition, it shall be permissible for the petitioner to seek extension of time by way of filing application for condonation of delay while filing criminal revision petition by mentioning ground of pendency of present petition before this Court and Court will certainly take it into consideration.

Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

24.04.2024
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Whether speaking/reasoned	Yes
Whether reportable?	No