



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46196-2024
DECIDED ON: 18.10.2024

DHIAN SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Geeteshwar Saini, Advocate for
Ms. Sukhveer Kaur, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for issuance of direction to ld. Trial Court to further proceed in case FIR No.126 dated 27.12.2017 registered under Section 326, 324, 323, 379-B, 148, 149 of IPC at Police Station Ghuman District Gurdaspur.
2. In compliance to the previous order dated 17.09.2024, this Court has received the report from Mr. Parminder Singh Rai, Additional Sessions Judge, Gurdaspur through the Registrar General of this Court vide letter dated 14.10.2024. there is an attempt by the Judicial Officer to explain as to why trial proceedings are not moving ahead taking clue from the order dated 25.04.2023 passed in CRM-M-20476-2023, whereby the proceedings against the co-accused persons namely Iqbal Singh and Gurmail Singh were ordered to be stayed till the next date of hearing and thereafter by subsequent orders dated 06.05.2023 and 18.09.2024, which is now

pending for motion hearing on 15.01.2025. It is on that account the Judicial Officer has explained as to why the trial proceedings have not been proceeded further, in the light of stay granted by this Court and the orders are awaited for those two co-accused persons, who have been summoned to face trial in an application under Section 319 Cr.P.C.

3. This Court, though is inclined to take a strict view in the matter looking at the explanation submitted by the Judicial Officer in the light of the fact that the instant petition is by the complainant, wherein total 7 accused are there out of which only qua the above named two accused persons proceedings have been stayed, therefore, by application of judicious mind, it is expected from the learned Sessions Judge, Gurdaspur that he ought to have proceeded with the trial qua the other co-accused persons since the very summoning of Iqbal Singh and Gurmail Singh under Section 319 Cr.P.C., has been questioned, which stands stayed, but there is no order to stay the trial proceedings qua all the accused persons.

4. A persual of the order dated 25.04.2023, it is abundantly clear the intent of the High Court, whereby the proceedings before the trial Court was stayed qua the petitioners in that petition alone, which reads as under:-

“Learned counsel for the petitioners contends that the incident in question took place on 22.12.2017 whereas FIR Ex.P-1 was registered on 27.12.2017 with a delay of five days. It has been submitted that a detailed inquiry was conducted by the SHO, Police Station Ghuman, in which, after recording the statements of all concerned, it was found that the petitioners were not present at the spot and were innocent. The inquiry report dated 02.04.2018 is on record as Annexure P-2. It has been submitted that this inquiry report was approved by the Senior Superintendent of Police, Batala. Learned counsel submits that thereafter, during prosecution evidence, the complainant/Dhian Singh appeared as PW-1 and simply reiterated his version as given in his complaint on the basis of which the FIR had been registered. Learned counsel submits that

the trial Court gravely erred in relying upon the simple narration of facts by the complainant-PW-1 in his examination in chief. He submits that the evidence relied upon by the trial Court was not at all sufficient to summon the petitioners as additional accused under Section 319 Cr.P.C.

Notice of motion.

On the asking of the Court, Mr. M.S. Nagra, A.A.G., Punjab, accepts notice on behalf of the respondents.

List on 09.08.2023.

In the meantime, further proceedings qua the present petitioners shall remain stayed.”

5. In view of the above, the trial Court is directed to proceed further in the trial qua all the other co-accused persons, who have been chargesheeted except Iqbal Singh and Gurmail Singh without any delay.
6. Faced with the situation, learned counsel for the petitioner submits that he does not want to press the instant petition further.
7. Hence the same is dismissed being not pressed.

18.10.2024

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No