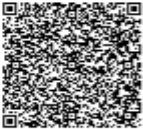


2024:PHHC:063612



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CRM-M-51769-2023
Date of decision : 16.04.2024

Kala Singh @ Hardeep Singh Petitioner

versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Suresh Singla, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

1. By way of petition filed under Section 482 Cr.P.C., petitioner prays for quashing of complaint dated 06.01.2016 (Annexure P-2) filed by respondent No.2 before JMIC, Talwandi Sabo. Further prayer is for quashing of the summoning order dated 13.01.2021 (Annexure P-3), whereby petitioner alongwith 08 other co-accused have been summoned to face trial for offences punishable under Sections 323, 324, 447, 427 and 148, 149 of IPC as well. In the alternate, the petitioner prays for setting aside of the impugned order dated 03.03.2023 (Annexure P-5), whereby the application filed by complainant/respondent No.2 seeking committal of the trial to Session Court stands allowed.

2. At the outset, counsel for the petitioner submits that he presses for the alternative relief and would want to address arguments to

2024:PHHC:063612



assail orders dated 03.03.2023 (P-5), whereby the complaint trial pending against the petitioner before JMIC, Talwandi Sabo has been committed to Session Court.

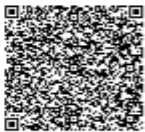
3. The ground canvassed is that by committal of the trial to the Session Court despite the fact that there is no offence exclusively triable by the Session Court, the petitioner shall loose his remedy in the case he is convicted on trial.

4. I have heard counsel for the petitioner and have carefully gone through the records of the case.

5. Counsel for the petitioner admits that out of the same occurrence on complaint made by his co-accused Gurjant Singh, FIR No.57 dated 20.05.2015 was registered for offences punishable under Sections 307, 336, 323, 447, 511, 148, 149 and 120-B of IPC (Section 325 of IPC added later on) and Sections 25 & 27 of Arms Act registered at Police Station Talwandi Sabo, District Bathinda against 12 persons including the complainant in the present case.

6. Police report has been filed and the trial is now pending before the Session Court. Out of the same occurrence of 19.05.2015, present complaint trial has arisen. Though, the petitioner and co-accused have been summoned to face trial qua offences out of which none is exclusively triable by Session Court. However, trial Court in order to avoid contradictory decisions has committed the complaint case to Session Court.

2024:PHHC:063612



7. In the considered opinion of this Court, the order passed by the Court below is in-conformity with law. Section 323 of the procedure code specifically provides that if, in any enquiry into an offence or a trial before a Magistrate, it appears to him at any stage of the proceedings before signing judgment that the case is one which ought to be tried by the Court of Session, he shall commit it to that Court.
8. Considering the facts that both the cases have arisen out of the same occurrence, I concur with the opinion formulated by JMIC, Talwandi Sabo with the present case is one which ought to be tried by the Court of Session and thus there is no ground to interfere in the impugned order dated 03.03.2023 (Annexure P-5).
9. For the reasons recorded above, the present petition is dismissed.

(PANKAJ JAIN)
JUDGE

16.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No