



**265(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

**CRM-M-6417-2020 (O&M)
Date of Decision: 29.01.2025**

SHER SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Harleen Kaur, Advocate
for the petitioners.

Mr. Nitesh Sharma, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No. 40 dated 13.04.2007, under Sections 420, 467, 468, 471, 409 and 120-B of Indian Penal Code at Police Station Machhiwara, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom.

2. Learned State counsel at the very outset submits that grievance raised by the petitioners in the present petition cannot be gone into at this stage as the Investigating Agency has already concluded the investigation and presented the final report before the jurisdictional Court and trial of the case has made substantial progress as 15 prosecution witnesses have already been examined and petitioners are accused facing the trial and as such, they have every right to raise all the pleas taken in the present petition before the learned trial Court and the FIR(supra) was registered in the year 2007.



Learned counsel for the petitioners could not controvert the fact that petitioners are two accused persons in the FIR(supra) and 15 prosecution witnesses have already been examined by the trial Court.

In view of the fact that trial of the case has made substantial progress and the factual aspects of the case can only be gone into by the learned trial Court on the basis of evidence adduced before it and 15 prosecution witnesses have already been examined, this Court cannot start parallel scrutiny of allegations and other disputed questions of facts and probable defence of the petitioners can only adjudicated by the learned trial Court.

Thus, the present petition is disposed of accordingly.

However, liberty is granted to the petitioners to take all the pleas raised in the present petition at the appropriate stage before the learned trial Court.

(HARPREET SINGH BRAR)
JUDGE

29.01.2025
Ajay Goswami

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