

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

253(1)

2025:PHHC:119900



**CRM-M-36706-2016 (O&M)
Date of decision: 02.09.2025.**

JASVIR SINGH AND ANOTHER

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Pawan Kumar, Sr. Advocate, with
Mr. Karan Bhardwaj, Advocate,
Mr. Pardeep Kumar, Advocate,
Mr. Amtiaz Singh, Advocate, and
Mr. Ishaan, Advocate,
for the petitioners.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Ms. Puja Chopra, Advocate,
for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed seeking quashing of FIR No. 45 dated 11.03.2011 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Ferozepur City, District Ferozepur along with all the consequential proceedings arising therefrom on the ground that

the petitioners have been declared innocent in the three different enquiries i.e. the first inquiry conducted by the Superintendent of Police (D), Ferozpur dated 22.05.2010; in the second inquiry dated 23.04.2011 by Senior Superintendent of Police (S), Ferozpur and in the third inquiry dated 09.12.2011 conducted by Superintendent of Police (S) Ferozpur.

2. Alleging that, notwithstanding having been found innocent in the inquiry proceedings, in the final report filed under Section 173 Cr.P.C., the petitioners were charge sheeted. Impugning the aforesaid action of the Investigating Agency in opting to prosecute the petitioners despite three favourable reports, the instant petition had been filed.

3. It is informed at this stage that the trial has already made much headway in as much as not only has the entire prosecution evidence been concluded but even the defence evidence has been led. It is contended that some of the accused had been summoned to face the trial as additional accused under Section 319 Cr. P.C. on an application by the petitioners and that the final judgment in the same has been stayed vide order dated 10.03.2023 passed in CRM-M- 3755-2019.

4. Counsel for the respondent, however, submits that the CRM-M- 3755-2019 titled "*Daler Singh versus Rakesh Chauhan and another*" is liable to be dismissed and that the trial against the petitioners has already reached at a fag end and the evidence led by the respective parties having been already examined, it would be rather appropriate that the trial with respect to the petitioners be finally concluded instead of further delaying the matter.

5. I have heard learned Counsel appearing on behalf of the parties

and have gone through the documents appended along with the present petition.

6. The FIR in question relates to the year 2011 and a period of almost 14 years has passed since then. The present petition itself pertains to the year 2016. Undisputedly, the parties have already led their respective evidence but the trial Court has not been able to pass a final judgment in the matter because of an interim stay granted by the High Court in CRM-M-3755-2019 vide order dated 10.03.2023.

7. I am of the opinion that the position in law originally mandated that all accused should be tried together, however, the said position has undergone some changes and a separation of trial can be ordered in an appropriate case. Various guidelines have been laid down by the Hon'ble Supreme Court in the matter of "*Sukhpal Singh Khaira v. State of Punjab*", reported as **(2023) 1 SCC 289**, that once there is no element of any irreparable prejudice, the necessity of holding a joint trial can be dispensed with.

8. Counsel for the petitioners has not been able to refer to any provision as to how the case of the prosecution would be prejudiced if a joint trial is not held. He also failed to assist as to what the final judgment would lay against the present petitioners and as to how the final outcome in the case may vary in the event of the additional accused being jointly tried with the petitioner.

9. In the absence of any such circumstances, I find that an imperative need for a joint trial by recording the evidence afresh with respect to all the accused, including the accused summoned as additional

accused under the erstwhile Section 319 Cr.P.C. (Now Section 358 of BNSS), may not be required. Any such decision is only likely to delay the proceedings still further.

10. Taking into consideration the stage of the trial as well as there being no evident and apparent prejudice by the separation of the trial, this Court is not inclined to grant the relief being sought for by the petitioners.

11. In view of the above, Counsel for the petitioners does not press the instant petition at this stage so as to take all pleas before the trial Court at the stage of arguments and without prejudice to their rights, if any, with respect to the application under Section 319 Cr.P.C under challenge in CRM-M-3755 of 2019 before this Court.

12. Disposed of as not pressed with liberty as aforesaid.

September 02, 2025.
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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