



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

(142)

CRM-M-24446-2017(O&M)

DATE OF DECISION: 09.02.2026

Jang Bahadur Singh

.....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.G.S.Madaan, Advocate, for the petitioner.
Mr.Anup Singh, AAG, Punjab.
Mr. Sandeep Arora, Advocate,
for respondents no.2 to 5.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed under Section 482 Cr.P.C challenging the order dated 22.05.2017 (Annexure P-5), passed by learned Additional Sessions Judge, Ludhiana in case titled State versus Jang Bahadur Singh, registered in case FIR No.116 dated 05.10.2012, under Sections 323, 325, 341, 327, 148, 149, 506 and 308 IPC, whereby learned Additional Sessions Judge has declined the joint trial in cross complaint pertaining to the same incident titled Jang Bahadur Singh vs. Lakhvir Singh etc. dated 09.07.20213 registered as COMI-193 of 2013, pending in the Court of JMIC, Samrala.

2. Leaned counsel for the petitioner as well as learned counsel for respondents no.2 to 5 are *ad idem* that it is not a disputed fact that the FIR bearing No.16 dated 05.10.2012, under Sections 323, 325, 341, 327, 148, 149, 506 and 308 IPC and complaint filed by the accused is outcome of same occurrence, so both the police case as well as complaint case be tried together as per Section 210 of Cr.P.C. In support of his contentions, learned



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counsel placed reliance upon the law laid down by Supreme Court of India in 2003(9) SCC 426 State of M.P versus Mishrilal (dead) and others.

Relevant para no.7 of the judgment is reproduced as under:-

“ CROSS CASES BE TRIED TOGETHER

7. Undisputedly, accused Mishrilal lodged the report to the police vide Ex. D-8 over the same incident happened on 5.3.1987, in which he had clearly stated the injuries were sustained by him and his son Madhusudan at the hands of prosecution party. It is also not disputed that on the strength of the complaint lodged by Mishrilal, investigation was also carried out and challan was filed namely crime case no. 52/87 under sections 147, 148, 149 and 324 Indian Penal Code against the prosecution party which is pending for disposal before the learned Judicial Magistrate First Class. In the said challan, the prosecution party is stated to be an aggressor. This Court in Nathilal v. State of U.P., 1990 (Supp.) SCC 145, pointed out the procedure to be followed by the Trial Court in the event of cross cases. It was observed thus :-

"We think that the fair procedure to adopt in a matter like the present where there are cross cases, is to direct that the same learned Judge must try both the cross cases one after the other. After the recording of evidence in one case is completed, he must hear the arguments but he must reserve the judgment.

Thereafter he must proceed to hear the cross case and after recording all the evidence he must hear the arguments but reserve the judgment in that case. The same learned Judge must thereafter dispose of the matters by two separate judgments. In deciding each of the cases, he can rely only on the evidence recorded in that particular case. The evidence recorded in the cross cases cannot be looked into. Nor can the judge be influenced by whatever is argued in the cross case. Each case must be decided on the basis of the evidence which



has been placed on record in that particular case without being influenced in any manner by the evidence or arguments urged in the cross case. But both the judgments must be pronounced by the same learned Judge one after the other."

- 3. Learned counsel for respondents no.2 to 5 submits that in complaint case pre charge evidence has already been concluded and proceedings initiated on the basis of FIR are at the stage of defence evidence and arguments.
- 4. Heard.
- 5. Keeping in view the contentions of learned counsel for the parties, in order for proper adjudication of the matter i.e. plea like who was an aggressor or whether it was a free fight or whether injuries were inflicted in self defence, it is required that separate trials be dealt with simultaneously by one Court. So, learned trial Court dealing with the complaint of the petitioner is directed to commit the complaint/case to the Court where the FIR bearing No.16 dated 05.10.2012, under Sections 323, 325, 341, 327, 148, 149, 506 and 308 IPC, is pending and the trial Court dealing with such FIR is directed to proceed with the matters in accordance with law.
- 7. Present petition is disposed of in the above terms.

09.02.2026	(SUBHAS MEHLA)
mamta	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No