



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

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CRM-M-20872-2022

Date of decision: 24.09.2025

SWARNA RANI

.... PETITIONER(S)

VERSUS

STATE OF PUNJAB AND ANR

....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. K.B.S. Mann, Advocate
for the petitioner.

Mr. Kulwinder Singh, AAG, Punjab.

Mr. Jatinderpal Singh, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of Cr.P.C. is for quashing of the judgment dated 16.03.2021 passed by Ld. Additional Sessions Judge, Sri Muktsar Sahib (Annexure P-6) whereby the order dated 05.09.2019 passed by Ld. Sub Divisions Judicial Magistrate, Gidderbaha (Annexure P-5) has been set aside.

The brief facts of the case are that FIR No.160 dated 06.12.2012 under Section 420 of IPC came to be registered against Jagsir Chand S/o Karam Chand, Balwinder Kumar S/o Karam Chand and one Sukhwinder Kumar S/o Pritam Chand. On conclusion of the investigation, the report under Section 173 Cr.P.C. was presented against all the three under Section 420 of IPC. Subsequently, charges also came to be framed against them.



Balwinder Kumar challenged the order of the Sub Divisional Judicial Magistrate, Gidderbaha (Annexure P-5), vide which charges had been framed against him before the Court of Additional Sessions Judge, Sri Muktsar Sahib. The said Court, vide its order dated 16.03.2021, set aside the order framing charges against him.

It is this order dated 16.03.2021 which is under challenge in the present petition.

The learned counsel for the petitioner contends that Balwinder Kumar has wrongly been discharged. In fact, he is the beneficiary of the transaction and ought to have faced trial with the other accused. He therefore prays that the impugned order be set aside and the Trial proceed against him.

The State Counsel and the counsel for respondent No.2, on the other hand contend that both Jagsir Chand and Sukhwinder Singh faced trial and came to be acquitted vide judgment dated 04.10.2024 passed by the Court of Sub Divisional Judicial Magistrate, Gidderbaha. Therefore, it would be an exercise in futility to have the respondent No.2 face trial particularly as he was only beneficiary and the Trial Court while acquitting the co-accused has categorically held that no offence is made out.

I have heard learned counsels for the parties.

Admittedly, the respondent No.2 was discharged vide the impugned order dated 16.03.2021. The co-accused, namely, Jagsir Chand and Sukhwinder Singh, faced trial and were acquitted vide judgment dated



04.10.2024, which judgment has not yet been challenged before a Superior Court. Therefore, at this stage, it would be an exercise in futility to subject the respondent No.2 to a fresh trial. Even otherwise, the respondent No.2 was only a beneficiary and the Trial Court, while acquitting the co-accused has categorically held that no offence whatsoever has made out.

In view of the above, I find no merit in the present petition and the same stands dismissed.

24.09.2025

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(JASJIT SINGH BEDI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>