

121 CRM-M-31167-2020
SHER PARTAP SINGH VS STATE OF PUNJAB AND ANR
Through Video Conferencing

Present: Mr. Saurav Bhatia, Advocate for the petitioner.

After arguing for sometime learned counsel for the petitioner withdrew his prayer for quashing of the FIR and restricts the prayer only qua the order dated 20.6.2020 summoning him under Section 105B Cr.P.C.

In view of the above, the petition qua the prayer for quashing of the FIR is dismissed and survives only qua the prayer for quashing of order dated 20.6.2020 summoning the petitioner under Section 105B Cr.P.C.

While praying for quashing of the said order, reliance is placed on the judgment rendered by the Hon'ble Apex Court in the case of State of Madhya Pradesh Vs. Balram Mihani and others, 2010(2) JT 143 to contend that Section 105B Cr.P.C. can be invoked only in a very serious crimes applicable only to the offences which have international ramifications. Further, learned counsel for the petitioner states that the petitioner undertakes to join the investigation as soon as the international flights between India and Australia commenced.

Issue notice of motion for 10.2.2021.

Accordingly, no coercive steps shall be taken in pursuance to the order dated 20.6.2020 till 31.1.2021 with the hope that the international flights shall commence by then. However, in case the international flights between India and Australia commences before that, the respondents will be at liberty to move an application requiring the petitioner to join the investigation in India.

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However, meanwhile, the petitioner may also join the investigation on Video Conferencing with the police in India for which he shall supply his mobile phone number on which the same can take place.

October 06, 2020
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(NIRMALJIT KAUR)
JUDGE

