

CHI/105/2024 State Versus Sukhwinder Singh
FIR No.91 dated 11.09.2021
Under Sections 279, 337, 338, 427 IPC
Police Station Lakho Ke Behram.

Present: Ms.Prabhjot Kaur, Learned APP for the State.
 Accused Sukhwinder Singh on bail in person.
 Sh. Sunil Kumar Kamboj, Advocate, counsel for accused.

 Heard on the application filed for the discharge of the
accused in the present case.

2. The brief facts of the present application are that challan
has been presented on 07.10.2024 and no charge against the accused is
made out for the above said offences. The offences under Sections 279,
337, 338, 427 of Indian Penal Code are bailable one and punishable
upto years and limitation of presentation of challan is upto three years
but in the present case, police has presented the challan before this
Court after lapse of three years and Court cannot take cognizance o
offences mentioned in the FIR/challan presented by the police officials
and accused/applicant is liable to be discharge from the said offences.
It is prayed for allowing the application.

3. Reply to above said application was filed by learned APP
for the State.

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4. I have heard the contention of learned counsel for accused as well as learned APP for the State and also gone through the case file very carefully.

5. Learned counsel for the accused argued the accused be discharged in the present case as the challan in the present case had been filed by the prosecution after the expiry of the stipulated period as prescribed under law. Thus, he prayed that the present application be allowed and the accused be discharged.

6. On the other hand, Learned APP for the State argued that the present application is liable to be dismissed on the ground as the challan against the accused had been filed with the stipulated period. Thus, she prayed that the charge be framed against the accused.

7. After hearing the contentions raised by learned defence counsel and learned APP for the State, this Court is of the view that the present FIR has been registered against the accused under Sections 279, 337, 338 and 427 of Indian Penal Code on 11.09.2021 and prosecution has presented the challan against the accused on 07.10.2024.

As per Section 468 of Cr.P.C that Bar to taking cognizance after lapse of the period of limitation:

(1) Except as otherwise provided elsewhere in this Code, no Court shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation:

(2) The period of limitation shall be-

(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

(3) For the purpose of this section, the period of limitation, in relation to offence which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.

As per Section 468 of Cr.P.C., no cognizance of any offence shall be taken unless the prosecution is instituted within a period of limitation. In the present case, challan has been filed after expiry of period of limitation and Court cannot take cognizance on it.

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8. Thus, in view of my above discussion, the present application stands allowed and the accused is discharged in the present case. Bail bonds and surety bonds furnished at the time of appearance stands discharged and the intimation be send to the concerned authority. Case property, if any, be disposed off under Rules after waiting the result of appeal/revision, if any. File be consigned to the record room.

Pronounced in open Court:

Date of order: 16.12.2025

Sanjeev Kumar

Stenographer Gr-II (Direct Dictation)

(Davinder Singh)

Judicial Magistrate Ist Class

(Guruharsahai) UID Code PB-0575

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