

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1) CRM-M-15465 of 2015 (O&M).
Decided on:-July 28, 2015.

Baljeet Singh and anotherPetitioners.

Versus

State of Haryana and anotherRespondents.

(2) CRM-M-17975 of 2015 (O&M).

Ram Kumar.Petitioner.

Versus

State of Haryana and anotherRespondents.

(3) CRM-M-16182 of 2015 (O&M).

Zile Singh and anotherPetitioners.

Versus

State of Haryana and anotherRespondents.

(4) CRM-M-15465 of 2015 (O&M).

Rajat.Petitioner.

Versus

State of Haryana and anotherRespondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Jasjit Singh Bedi, Senior Advocate with
Mr. Sunil Sihag, Advocate for the petitioners in
CRM-M-15465, 17975 and 16182 of 2015.

Mr. Pankaj Bali, Advocate for the petitioner in
CRM-M-16553 of 2015.

Mr. Kapil Aggarwal, AAG, Haryana.

Mr. R.K. Agnihotri, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (ORAL)

This order shall dispose of four petitions bearing No.CRM-M-15465, 17975, 16182 and 16553 of 2015 as the same have been arisen from criminal complaint No.01/14 dated 10.1.2014 titled “Naresh Versus Ram Kumar and others” under Sections 148, 149, 323, 307, 435, 427, 506 IPC, Police Station, Madhuban, District Karnal pending in the Court of learned Judicial Magistrate 1st Class, Karnal.

However, the facts are being taken from CRM-M-15465 of 2015 titled “Baljeet Singh and another Versus State of Haryana and another”.

CRM-23435-2015

This is an application to place on record the copy of order dated 14.5.2015 passed by learned Judicial Magistrate 1st Class, Karnal whereby in compliance of order dated 13.5.2015 of this Court, the petitioners have been admitted on bail.

The document Annexure P-6 is taken on record.

CRM stands disposed of.

Main Case

Learned senior counsel for the petitioners argues that in the present case, the petitioners were found innocent by the police and it is only in the private complaint filed by complainant Naresh that the petitioners have been summoned to face trial. He reiterates his argument that undisputedly, the occurrence had taken place on 7.6.2012 whereas the complaint was filed on 10.1.2014. There is inordinate delay in filing the complaint which has not sufficiently been explained. He further submits that in the cross-case, the complainant in the present case is already facing prosecution and the trial is at the fag end of its conclusion as even statement of accused under Section 313 Cr.P.C. have been recorded. It is informed that pursuant to the order dated 13.5.2015 of this Court, the petitioners have appeared before the summoning Court and have been admitted on bail by that Court vide order dated 14.5.2015.

On the other hand, learned counsel for respondent No.2-complainant submits that the delay in filing the complaint is explainable for the reason that the complainant remained admitted in hospital for 37 days and he has been pursuing his case with the police authorities.

Considering the fact that the petitioners were found innocent by the police and the private complaint has been filed after delay of 18 months from the date of occurrence, the present petition is allowed and the order dated 13.5.2015 passed by this Court is made absolute.

It is made clear that the observations made hereinabove shall not

be construed any expression on the merit of the case and the trial Court shall decide the case on the basis of evidence available on record. The petitioners shall face the trial and shall appear before the trial Court as and when directed by the trial Court.

July 28, 2015
'Yag Dutt'

(HARI PAL VERMA)
JUDGE