

CRM-M-32624-2015

251

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

CRM-M-32624-2015

Date of Decision: 12.04.2016

SATPAL AND ORS

... Petitioners

VS.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Rajinder Kaushik, Advocate,
for the petitioners.

Mr. Satish Saini, DAG, Haryana.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

KULDIP SINGH, J (ORAL)

Impugned in the present petition is the order dated 09.07.2015 passed by the learned Additional Sessions Judge, Sonapat, upholding the order dated 11.06.2015 passed by the learned Judicial Magistrate Ist Class, Sonapat, vide which the application filed under Section 239 Cr. P.C. for discharge of accused/petitioners herein was dismissed.

I have heard learned counsel for the petitioners.

It comes out that in this case, the challan has been presented against all the petitioners under Sections 148/149/323/325/452 read with Section 506 of IPC. Certain allegations have been leveled.

CRM-M-32624-2015

The plea of the learned counsel for the petitioners is that the petition qua petitioners No. 1, 2, 3 and 6 was withdrawn on 09.10.2015. It is stated that since the petitioners No. 4 and 5 are elderly persons of more than 80 years of age, therefore, they cannot jump the wall as alleged. The case is at the stage of framing of the charge.

At the time of framing of the charge, the Court is required to consider the statement of the witnesses recorded under Section 161 of Cr. P.C., the police report under Section 173 and the documents produced in support thereof. The Court is not required to consider the probable defence of the accused or any other document produced by the accused.

I am of the view that it is the defence of the present petitioners No. 4 and 5 that they cannot jump the wall and cannot commit the crime. However, there are allegations of causing injuries also. So, it is the defence of the petitioners which is to be examined at the appropriate stage.

No ground is made out to interfere in the impugned orders. The petition is dismissed accordingly.

[KULDIP SINGH]
JUDGE

April 12, 2016
Suresh Kumar