

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

**Criminal Misc. No.M-6736-2016
Date of Decision: 25.02.2016**

Rohit

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

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. Varun Gupta, Advocate
for the petitioner.

HARI PAL VERMA, J.

Through the instant petition filed under Section 482 CrPC the petitioner has challenged the order dated 3.6.2015 passed by learned Additional Sessions Judge, Narnaul, whereby the revision petition against order dated 20.1.2015 passed by learned Chief Judicial Magistrate, Narnaul was dismissed.

Vide order dated 20.1.2015, learned Chief Judicial Magistrate has ordered framing of charge for offence under Sections 452, 323 and 506 IPC.

The allegation against the petitioner is that he entered into the plot of the complainant namely Niranjana Lal son of Madan Lal, where he was carrying his business of sale of pieces of wood and inflicted injuries upon him. A case was registered against the petitioner and investigation was carried out under Section 173 CrPC and accordingly, charge was framed.

Learned counsel for the petitioner has contended that the property which is shown in the challan, as per the site plan, belongs to the petitioner and the complainant has no concern with the same. Therefore, there was no house trespass and no case under Section 452 CrPC is made out. The complainant has an evil intention to grab the property of the petitioner and therefore, he has been dragged in the case just to harass and pressurize him for transferring the land in his favour.

I have heard learned counsel for the petitioner.

On registration of the FIR in the instant case, the investigation has been conducted. The allegation against the petitioner is that he entered into the plot of the complainant, where the complainant was carrying on the business of sale of pieces of woods and asked the complainant to withdraw the case filed against him regarding plot and on his refusal, the petitioner inflicted injuries upon the complainant. The document as regards the ownership of the plot is yet to be proved during the trial. Therefore, no ground for interference is made out in the order

dated 20.1.2015 passed by the trial Court as well as order dated 3.6.2015 passed by the revisionary Court.

Accordingly, the present petition is dismissed.

However, it is made clear that the observations made here-in-above shall not be construed as any expression on the merits of the case and the trial Court shall decide the case on the basis of evidence available before it in accordance with law.

February 25, 2016
AK

(HARI PAL VERMA)
JUDGE