

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Date of Decision: October 19, 2016

1. CRR 2127 of 2016 (O&M)

Babli Devi and another

.....Petitioners

Vs.

State of Haryana

.....Respondent

2. CRR 2864 of 2016 (O&M)

Babli Devi and another

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.U.K. Agnihotri, Advocate
for the petitioner.

Mr.Vikas Malik, DAG, Haryana.

Mr. Gobind Singh, Advocate for
Mr. P.S.Poonia, Advocate.

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M.M.S. BEDI, J. (ORAL)

This order will dispose of two revision petitions bearing CRR
2127 of 2016 and CRR 2864 of 2016 in a case which was registered at the

instance of Mukesh alleging that on June 27, 2014, the complainant and his son were intercepted and attacked by Satbir, Dharambir, Babli Devi, Amit. Amit allegedly fired from his pistol on the backside of the left shoulder of Jatin on account of which he died. The petitioners were found innocent during the course of investigation but were summoned under Section 319 Cr.P.C. as additional accused on the prima facie appreciation of evidence produced. The petitioners by filing CRR No. 2127 of 2016 has challenged the order dated May 24, 2016 summoning them as additional accused under Section 319 Cr.P.C. whereas CRR No. 2864 of 2016 has been filed challenging the order framing charges under Section 302 read with Section 34 and 120 B IPC. I have taken up both the revision petitions simultaneously.

On asking of the Court, counsel for the petitioners informs that after framing of the charges, the prosecution agency has produced almost all the prosecution witnesses and the last prosecution witness is to be examined on October 20, 2016. An attempt has been made by counsel for the petitioners to refer to the evidence produced during the course of trial in order to satisfy this Court regarding the false implication of the petitioners being the family members of other co-accused facing trial.

I have heard counsel for the petitioners and considered the material offered to substantiate his arguments but I am of the opinion that appreciation of evidence at the stage when the case is at penultimate stage and all the PWs stand examined, will not be appropriate as any observations made by this Court might prejudice the rights of the prosecution agency or the petitioners.

In view of the status of the trial, I deem it appropriate to dispose of both the revision petitions without expression of any opinion on merits without prejudice to the rights of the petitioners to raise all the pleas pertaining to the innocence of the petitioners. The argument raised regarding the malafide of the complainant to falsely rope in all the family members including the ladies can also be raised at an appropriate time before the trial Court to seek the benefit of doubt.

At this stage, counsel for the petitioners states that in view of the circumstances of the case, he may be permitted to withdraw the present revision petitions without prejudice to the rights of the petitioners to raise all the pleas of defence taken up before this Court, before the trial court at an opportune time.

Both the petitions are disposed of as withdrawn without prejudice to the rights of the petitioners to raise all the pleas taken up in this petition as well as raised during the course of arguments in context to the evidence produced at an opportune time.

October 19, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.