

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

CRM No.M-43507 of 2014 (O&M)

Date of Decision: May 23, 2017

Ramesh

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Salil Bali, Advocate,
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Deepak Girotra, Advocate
for respondent No.2.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Haryana and Balwan Singh for quashing the protest petition/complaint titled as 'Balwan Singh vs. Ramesh' bearing complaint No.490 dated 22.02.2014, summoning order dated 22.02.2014 passed by learned Judicial Magistrate Ist Class, Bahadurgarh summoning the petitioner under Section 307 IPC and the impugned order dated 03.12.2014 passed by learned Sessions Judge, Jhajjar, whereby the revision petition filed by the petitioner was dismissed along with all the subsequent proceedings arising thereto in case FIR No.126 dated 04.04.2011 under

Station Sadar Bahadurgarh, District Jhajjar.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

Learned counsel for respondent No.2 argued that accused is an official of Delhi Police and he has licenced revolver, which was not taken by the police nor was got examined from the FSL to know whether the fire was shot from that revolver or not. Therefore, he argued that accused has been wrongly declared innocent by the police without any basis and investigation has not been conducted properly and because of this reason, the criminal complaint has been filed by the complainant.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that in the present case, FIR has been registered on the statement of the complainant Balwan Singh, who has specifically named accused Ramesh s/o Sube Singh and there is allegation that he fired from his pistol from a distance of 15-20 feet with an intention to kill him and the bullet hit the complainant on his right thigh. After firing, Ramesh with pistol in his hand, sat in his car and went towards Bahadurgarh. The complainant informed his brother Rajender, who took him to PGIMS Rohtak and got him admitted there.

The Investigating Officer gave report of untraced on the basis of statement of 4-5 persons from the village, who stated that accused was with them and also finding the discrepancy as in the FIR it is stated that accused fired from 15-20 feet whereas in the FSL report, fire was opined to be shot from the distance of about 4-5 feet. The complainant on coming to

the Court, filed criminal complaint. On the basis of preliminary evidence, present petitioner has been summoned by the Court vide order dated 22.02.2014. A revision was filed before the Court of Session, which was also dismissed by learned Sessions Judge, Jhajjar, vide order dated 03.12.2014. Now, present petition has been filed for quashing the above-said orders.

The perusal of the record shows that at the time of summoning of the accused, the Court is to be prima facie satisfied that there are sufficient grounds to summon the accused after going through the averments of the complaint as well as preliminary evidence on record. The only fact that the police has filed the untraced report, is no ground to quash the summoning order. The fact that lie detector test was also conducted of the accused, the value attached to this lie detector test is to be seen when defence evidence is produced. The filing of this petition after the dismissal of the revision petition, amounts to filing of second revision petition.

Therefore, finding no merit in the present petition, the same is dismissed.

May 23, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No