

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

**CRR No.1697 of 2017 (O&M)
Date of Decision: August 03, 2017**

Ravinder

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Karanvir Singh Khehar, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ravinder against State of Haryana, challenging the impugned order dated 18.04.2017 passed by learned Addl. Sessions Judge, Bhiwani, vide which the cancellation report against the accused-petitioner was not accepted.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that challan was presented against Parveen Kumar and others under Sections 147, 148, 149, 323, 436, 307 IPC and section 3 and 4 of Prevention of Damage to Public Property Act, 1984 and cancellation report has been submitted against petitioner Ravinder. The brief facts of the case as noted down in the impugned order passed by learned Addl. Sessions Judge, Bhiwani, are as under:-

Ram was recorded on 18.06.2016. He gave statement that on 20.02.2016 at about 10.30 p.m. some boys were raising slogans JAT EKTA JINDABAD and set the aforesaid three institutions on fire. When he intervened them and made aforesaid boys to understand, Kuldeep son of Attar Singh, Kuldeep Q Harapa son of Jagdish, Gajanand @ Motia son of Vikay Kumar, Vikas @ Dholia son of Dharambir, Raj Kumar son of Gajanand, Rajender son of Sher Singh etc. were involved in the aforesaid arson. Rest of the boys can be identified by him. Kuldeep son of Attar Singh asked Vijay on telephone to come and to teach a lesson to Virender . In the mean while one Pick Up Dala came being driven by Ravinder alais Geela, Vijay Kumar son of Sanjay, Dharambir @ Parveen boarded down from aforesaid pick up dala. Ravinder was armed with hammer. Vikay was armed with iron rod. Surja, Dhera and Parveen were armed with danda and pounced upon Virender Singh can caused injuries to him with an intention to commit his murder. He was shifted to Jaipur. On basis of aforesaid statement, police filed cancellation report against Ravinder @ Geela. Injuries sustained by Virender were found to be grievous in nature and dangerous to life. Statements of some witnesses were recorded, who stated that Ravinder @ Geela was innocent. Statements of some witnesses recorded by police also suggest that Dharmabir, Parveen, Vikas, Sanjay, Kuldeep, Raj Kumar, Gaja nand, Kuldeep @ Harpa were not involved in this incident and they have been named due to panchayat rivalry.”

Before the trial Court, an application under Section 190, 193 and 319 Cr.P.C. was filed by Bhagwana Ram, complainant with a request to summon Kuldeep and others in addition to the accused already facing trial.

Learned trial Court rejected the cancellation report against accused Ravinder @ Geela vide impugned order by holding that as against accused Ravinder @ Geela, there is statement of injured Virender Singh, which is sufficient enough to take cognizance against Ravinder because he was driving the pick-up vehicle bearing registration No.HR-61-9149, whereas Kuldeep and others by boarding that vehicle, reached at the place of occurrence and thereafter, accused Parveen and others as well as Kuldeep and others, set three Government institutions on fire.

The perusal of the impugned order shows that injured has specifically named the petitioner Ravinder. He has alleged that petitioner was driving the vehicle and other accused came in that vehicle along with arms and weapons. Though, no specific injury has been attributed to Ravinder but driving the vehicle upto the place of occurrence along with other accused carrying arms and weapons, who caused injuries to Virender Singh and also set three Government institutions on fire, shows the prima facie involvement of petitioner Ravinder.

Learned counsel for the petitioner argued that Ravinder has not participated in the occurrence, rather, he took the injured to the hospital. This statement can be held, at the most, as defence, which is to be proved by the accused before the trial Court. The statement of injured, who has specifically named present petitioner that he was driving the vehicle and brought so many persons with arms and weapons, cannot be ignored or discarded at this stage.

In view of the above discussion, I find that the impugned order dated 18.04.2017 passed by learned Addl. Sessions Judge, Bhiwani, is correct, as per law and does not require any interference from this Court. No illegality has been committed while passing the impugned order.

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

August 03, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No