

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

CRM-M-48697-2018 (O&M)

Date of Decision:-1.11.2018

Dharambir and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate for the petitioners.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioners have made a limited prayer to the extent that the FIR be quashed only to the extent, the same pertains to offence under Section 307 of Indian Penal Code, 1860.

The allegations, in nutshell, are that 75 persons had attacked the complainant Rajeev @ Rajiv son of Gyana Ram @ Gyan Singh and others.

The learned counsel for the petitioners has submitted that a false FIR has been lodged and that the falsity would be evident from the fact that the complainant has meticulously chosen to disclose the name of as many as 75 accused. The learned counsel has further submitted that in case the accused really intended to murder the complainant or any other, the said object would have easily be attained on account of the number of the alleged accused. It has further been submitted that in any case, there is nothing on record to suggest that the complainant or any other had sustained such injury so as to fall within the mischief of Section 307 of Indian Penal Code, 1860. The learned counsel, in this context, has drawn the attention of this Court to order dated 23.10.2018 passed by learned Additional Sessions Judge,

Fatehabad, wherein it has been noted that till date no medical opinion was there on record to show that any of the injuries was dangerous to life. It has, however, been informed by learned counsel for the petitioners that the investigation is still going on.

Having heard the learned counsel for the petitioners and bearing in mind the fact that the investigation has not been concluded and that the petitioners have not shown any medical record, this Court does not feel inclined to interfere so as to quash the offence under Section 307 of Indian Penal Code, 1860 at this stage. However, the petitioners would be at liberty to raise all the points raised herein after the investigation is concluded. In the meantime, the Superintendent of Police, Rewari is directed to look into the representation dated 28.9.2018 (Annexure P-6) (although addressed to I.G., Hisar Range, Hisar), so as to ensure that the matter is fairly investigated, keeping in view the fact that a large number of accused have been arrayed in the FIR in question.

The present petition stands disposed of with aforesaid directions.

1.11.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No