

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-8111-2016 (O&M)

Date of decision : 30.5.2018

Azad

... Petitioner

VERSUS

Raghubir

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Aditya Bhushan, Advocate,
for the petitioner.

Mr. Naresh Kaushik, Advocate,
for the respondent.

RAJ SHEKHAR ATTRI, J.(Oral)

This is a petition under Section 482 of Code of Criminal Procedure for quashing/setting aside the summoning order dated 7.1.2015 (Annexure P-2), order dated 6.11.2015 passed by learned Additional Sessions Judge, Jind and quashing of criminal complaint under Sections 323, 324, 325, 148, 149, 307, 506, 120-B Indian Penal Code pending in the Court of Sub Divisional Judicial Magistrate, Narwana.

It is alleged that on 3.2.2014, the petitioner along with other persons armed with deadly weapons had opened an attack on the complainant.

The complaint was filed alleging therein that on 3.2.2014, the complainant along with his wife Santosh who is Sarpanch of village Palwan and other family members were going to the office of BDPO/SEPO, Uchana to attend the inquiry. The accused persons hatched a conspiracy to kill the complainant and his family members and at about 12:00 noon, the accused

persons came and obstructed the way of complainant Raghbir and his family members and the accused persons formed an unlawful assembly and assaulted upon them with sharp edged weapons, Danda and rod with the common intention to kill them.

Accused Ramesh who was holding a rod raised a lalkara in front of the BDPO office and inflicted injury to him. The complainant run towards the BDPO office and when he was running, accused Rohtash, Rajbir and Jaibir came in front of him and Rohtash and Rajbir snatched his 12 bore gun from him and accused Rohtash made a gun fire in the air and the complainant entered into the BDPO office in order to save himself. The assailant followed him and entered into the room. Accused Ramesh inflicted a blow on his head with a sharp edged weapon, accused Jaibir inflicted blow on his left leg with an iron rod, Rohtash who has snatched his gun gave a butt blow on his waist. On seeing it, Balwan, Surender rushed to the spot and in the mean time accused persons Randhir son of Tara Chand, Lilu son of Zile Singh, Zile Singh son of Sony, Rajinder Son of Balwan, Mungeri son of Phool, Mahabir son of Jogi Ram, Krishan son of Jogi Ram, Rajbir son of Mange armed with Lathies and Danda and sharp edged weapons came and caused injuries to the complainant, Balwan, Satta @ Satyawan and Surender also with their respective weapons. Complainant Raghbir raised an alarm on which Sunil son of Randhir, Vikram son of Balwan, Sunil son of Satyawan residents of Palwa came at the spot and on seeing them, all the accused run away from the spot along with their weapons and while going they threatened to kill them. The accused persons have caused injuries to them with the common intention on account of non payment of commission of grant to them. The complainant and the injured have

received serious injuries at the hands of the accused and they were taken to G.H.Narwana by Sunil, Sushil, Vikram took them to G.H.Narwana.

Complainant Raghbir was medico legally examined vide MLR No.HB/2014/NR/41 dated 3.2.2014. Surender was medico legally examined vide MLR No.HB/2014/NR/42 dated 3.2.2014. Balwan was medico legally examined vide MLR No.HB/2014/NR/43 dated 3.2.2014 and Satyawar was medico legally examined vide MLR No.HB/2014/NR/44 dated 3.2.2014. All the injured were advised for x-ray for the injuries and Ortho opinion.

The statement of complainant Raghbir was recorded by the police of Police Station Uchana in G.H. Narwana on 3.2.2014 and Rapat No.34 dated 3.2.2014 was recorded with Police Station Uchana but the police has not arrested the accused persons and instead of it lodged FIR No.36 dated 3.2.2014 under Sections 148, 149, 323, 307, 506 Indian Penal code and 27 Arms Act Police Station Uchana against the complainant and his family members.

Learned counsel for the petitioner has vehemently contended that the petitioner was declared innocent but he has been wrongly challaned along with remaining accused.

This Court has considered this contention.

During the course of preliminary evidence, statements of Raghbir son of Sahi Ram and Balwant son of Rameshwar were recorded along with other witnesses. They have given a specific role to the petitioner. It has been alleged that the petitioner was exonerated on the ground that he was on bail at the time of occurrence but the plea of alibi shall be proved during the trial and not at this stage.

Without expressing any opinion on the merits of the case, I find this petition being devoid of merit and is dismissed as such.

May 30, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No