

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-1553-2018 (O&M)

Date of decision: 16.07.2018

Jagan Nath and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Inderjit Sharma, Advocate for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

1. Through this revision challenge has been laid to the order dated 02.02.2018 of the trial Court whereby amended charge has been framed against the petitioner under Section 452 IPC, upon an application filed by the prosecution under Section 216 Cr.P.C.

2. According to the prosecution, in the day time on 10.05.2011, the petitioners along with 6-7 unknown persons carrying sticks in their hands entered into the land, where complainant-Baljinder Singh, was running a cycle stand and gave beatings to the employees of complainant, namely; Monu and Kaka and threatened them to ran away from that place. Initially, on these allegations, the petitioners were facing trial under Sections 448, 511, 380 and 506 read with Section 34 IPC. During trial upon an application of the prosecution under Section 216 Cr.P.C., the petitioners were also charge-sheeted under Section 452 IPC, vide order impugned herein.

3. Learned counsel for the petitioners *inter alia* contends that the

land where the alleged beatings was given by the petitioners to the employees of the complainant was owned and possessed by them, by virtue of a Court decree dated 28.04.2010 (Annexure P-1). Therefore, the trial Court has wrongly charge-sheeted the petitioners under Section 452 IPC.

4. Learned State counsel has not been able to refute the above submissions of learned counsel for the petitioner.

5. Having considered the submissions made by learned counsel for the petitioner, this Court is of the opinion that the impugned order dated 02.02.2018 of the trial Court is illegal and liable to be set aside. Hence, the instant revision is allowed and the impugned order dated 02.02.2018, charge-sheeting the petitioners under Section 452 IPC is set aside.

6. Ordered accordingly.

July 16, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No