

116

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

CRR No.1025 of 2019 (O&M)

Date of Decision : 09.05.2019

Kanwaljeet Singh

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Aman Pal, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

This revision has been filed against the order dated 18.04.2019 on the ground that the accused persons have been discharged under Section 307 IPC read with Section 149 IPC and there has been no reference of Section 25 of the Arms Act.

Notice of motion.

On the asking of the Court, Mr. Gaurav Bansal, AAG, Haryana, accepts notice on behalf of respondent No.1 and Mr. D.S.Virk, Advocate accepts notice on behalf of respondents No.2 to 5 and copies of the paper book has been supplied to them in the Court itself.

As far as the State is concerned it had presented a challan under Section 307 IPC and therefore, if at all the State has to take a view it would be in favour of the petitioner.

Mr. D.S.Virk, Advocate has sought to argue that this whole case is actually trumped up because it was the petitioner's side who were the aggressors and 4 persons from the private respondent's side were given serious injuries and the police has completely twisted the case at the behest of the local MLA.

In my opinion, even if these arguments are correct yet the learned counsel for respondents No.2 to 5 has not been able to deny that in holding that Section 307 IPC is not made out, the trial Court has given a finding for which there is no evidence at this stage. As regards the allegations made by Mr. D.S.Virk, Advocate against the petitioner's side the private respondents are obviously at liberty to prosecute whatever claims they have against the petitioner in appropriate proceedings.

In this view of the matter the revision is allowed and the impugned order is set aside.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

09.05.2019
pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No