

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-PIL-87-2019 (O&M)

Date of Decision: December 13, 2019

Court on its own motion

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE,
HON'BLE MR. JUSTICE RAJIV SHARMA,
HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Anupam Gupta, Senior Advocate with
Mr. Pradeep Virk, Advocate,
Mr. Ashok Kumar, Advocate,
Mr. DPS Randhawa, President and
Mr. Rohit Sud, Secretary,
for the Punjab and Haryana High Court
Bar Association.

Mr. Pawan Girdhar, Additional Advocate General,
Haryana, for the respondent-State of Haryana.

Ravi Shanker Jha, Chief Justice (Oral)

CM-95-CWPIL-2019

For the reasons recorded in the application, same is
allowed. Status report by way of affidavit dated 11.12.2019 of
Kamal Deep Goyal, HPS, Deputy Commissioner of Police,
Panchkula, on behalf of the respondent-State is taken on
record.

CWP-PIL-87-2019

Pursuant to the direction passed by this Court on
the last date of hearing i.e. on 08.11.2019, the State has
filed a status report dated 11.12.2019. It is stated therein

that the authorities have already examined the evidence that has been collected during investigation and thereafter, a supplementary charge-sheet has been filed by them before the competent Court including the offence under Section 307 of the Indian Penal Code against accused Vijay, Suraj, Vipul, Ankit and a juvenile. It is stated that the investigating agency has also filed a final report before the Court against accused Ravi Tiwari and Vasudev Yadav under Sections 323, 506 and 427 of the Indian Penal Code in the other connected case, namely, FIR No. 136 dated 25.04.2019. It is stated before this Court that all the material that has been collected during investigation has been attached with the charge-sheet which has now been filed before the Court in both the cases, namely, FIR No. 133 dated 22.04.2019 and FIR No. 136, dated 25.04.2019.

Learned Additional Advocate General, Haryana, appearing for the State of Haryana submits that copy of all the materials will be supplied to the complainant as well and the same can be looked into and examined by them.

In view the aforesaid facts and circumstances, this Court is of the considered opinion that in exercise of its extra ordinary jurisdiction, this Court cannot record any finding in respect of guilt or otherwise of any individual at this stage which has to be determined on the basis of the evidence adduced before the competent trial Court and in such

matters, this Court is not required to express any opinion at this stage. Therefore, by taking the aforesaid facts and circumstances on record, the present Public Interest Litigation is disposed of granting liberty to the complainant, who shall be supplied a copy of the charge sheet alongwith the necessary documents, to examine the matter and thereafter, if so advised, to file an appropriate application before the trial Court for further investigation and to avail all other remedies available to the complainant including Section 319 Cr.P.C. in accordance with law.

(Ravi Shanker Jha)
Chief Justice

(Rajiv Sharma)
Judge

December 13, 2019
vkd

(Rakesh Kumar Jain)
Judge

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