

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

CRR No.54 of 2020

Date of Decision: 14.01.2020

Bhim Singh and others

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Jasneet Mehra, Advocate for
Mr. Amrainder Singh, Advocate
for the petitioners.

SUDIP AHLUWALIA J. (ORAL)

In this revision petition, the petitioners have sought to quash the charges framed against them under Sections 148, 149, 307 and 323 of the IPC by the Court of the Ld. Additional Sessions Judge, Faridabad on 19.10.2019.

2. It has been asserted on behalf of the petitioners that from the whole challan, it can be seen that the petitioners had no role to play in the commission of offence under Section 307 of the IPC. The Court is, however, not convinced with such assertion.

3. The Ld. Trial Court in framing the charges has specifically referred to the statement of the injured victim, namely, Hemraj recorded under Section 161 of the Cr.P.C., in which the names of the present petitioners, Bhim Singh, Hitler and Pawan have been specified, and it was also mentioned that they were part of the group, from whose side, firing

started. The fact that no shot was actually fired by either of these three petitioners would be inconsequential in view of the applicability of Section 149 of the IPC, since in any case, they were part of the unlawful assembly formed by the offending group, and so each of those members (i.e. including the petitioners) would be liable for the offence(s) committed by another member of the same assembly.

4. In view of the above observations, this Court, thus, finds no merit in the present petition, at this stage, and the same stands dismissed.

January 14, 2020

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**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No