

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-7878-2020

Date of decision : 25.05.2022

Saravjeet Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: None for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR no.119 dated 01.03.2017 registered under Sections 148, 149, 323, 325, 452, 506 IPC (Section 307 IPC added lateron) at Police Station Pehowa, District Kurukshetra.

A perusal of the FIR would show that the same was registered on the statement of Gurdial Singh who had stated that on 27.02.2017, he and his friend Resham Singh, were both sitting in the shop of Taran Preet Singh son of Gurnam Singh and at about 11:30, the accused persons came armed with weapons and caused injuries to the complainant. A perusal of the petition would show that the primary ground taken for quashing the FIR is that the present case is a counter blast to FIR no.115 dated 28.02.2017 which had been registered on the statement of Manjit Singh. A perusal of the said FIR no.115 would show that the alleged incident in the said case was of 25.02.2017 whereas the alleged incident in the present case is of

27.02.2017. The petitioner has raised dispute questions of fact. Further in paragraph 11 of the petition, it has been stated hereunder:-

“That in the present case the investigation officer also submitted application for medical opinion to the Medical Officer and medical officer is of opinion that the injuries are grievous to nature but are not dangerous to life. Copy of application to medical officer is attached herewith as Ann.P/3.”

Thus, disputed questions of fact are sought to be raised in the present petition. The learned State counsel has pointed out that in the present case, challan has been presented and the charges have already been framed. The report under Section 173 Cr.P.C. is not annexed with the petition nor the order vide which charges have been framed, has been challenged.

The case has been called on three occasions but no one has appeared on behalf of the petitioner.

Keeping in view the aforesaid facts, the present petition is dismissed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present petition.

(VIKAS BAHL)
JUDGE

May 25, 2022
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No