

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

**CRR No.1520 of 2018 (O&M)
Date of decision : 22.08.2022**

Jeevan Singh

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Chirag Kundu, Advocate
for the petitioner.

Mr. R.K. Ambavta, Asstt. Advocate General, Haryana
for respondent No.1/State.

Mr. Inder Pal Goyat, Advocate
for respondents No.2 to 17.

PANKAJ JAIN, J. (ORAL)

This is revision directed against the order dated 15th of March, 2018 whereby the accused were charge-sheeted. Apart from accused Arun all other co-accused were charge-sheeted for offences punishable under Sections 148, 323, 324, 325 r/w Section 149 of the IPC and only Arun was charged for offences punishable under Section 307 IPC read with Section 30 of the Arms Act. Prayer by the petitioner is that other accused also need to be charged for offence punishable under Section 307 IPC as well

2. While issuing notice of motion this Court vide order dated 1st of May, 2018 ordered that the trial may proceed but the final order be not passed.

3. Today, Ld. State Counsel has produced certified copy of the

Judgment dated 9th of August, 2019 passed by Additional Sessions Judge, Hisar, the same is taken on record as Mark 'X', whereby trial has been concluded and the same has resulted in acquittal of all the accused.

4. Registry is directed to tag Mark 'X' at appropriate place.

5. Counsel for the petitioner and the private respondents do not dispute the fact that trial has culminated into order of acquittal.

6. As per Counsel appearing for the private respondents, no appeal has been preferred by the petitioner against the order of acquittal dated 9th of August, 2019.

7. Counsel for the petitioner does not controvert the said fact.

8. It appears from the order of acquittal that the petitioner/ complainant appeared as PW-4 and was declared hostile. The order of acquittal records that -

“9. To prove the charge under Section 307 read with Section 34 of Indian Penal Code, the prosecution has to prove that that accused in furtherance of their common intention fired shot upon Rajbala in order to cause her death. However, prosecution has failed to prove these facts on record beyond reasonable doubt. The injured Krishan (PW-7), Sultan (PW-8), Rajbala (PW-9), Pawan (PW-6) and Angoori (PW-5) appeared in the witness box, but did not support the prosecution case. They specifically stated that the accused are not those persons who attacked upon them. The identity and presence of the accused at the place of occurrence is not proved by the prosecution. PW-4 Jeewan, complainant, also deposed on the concurrent lines of PW-5 to PW-9. Although,

PW-4 to PW-9 were cross-examined at length by learned Public Prosecutor for the State but nothing could come out in favour of the prosecution. There is no iota of evidence on record to prove that the accused persons caused injuries to aforesaid witnesses and accused Arun fired shot upon Rajbala in order to cause her death. Thus, the prosecution has miserably failed to prove that the accused, in furtherance of common object, fired shot upon Rajbala with intention to cause her death. Therefore, Point for Determination – I is decided in favour of accused persons.”

9. Keeping in view the situation that has arisen, this Court does not find it appropriate to interfere in the present revision petition.

10. Consequently, the revision petition is dismissed.

August 22, 2022
Dpr

(PANKAJ JAIN)
JUDGE

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