

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(138)

CRM-M-36814-2022

Date of decision: - 22.08.2022

Mangal Singh and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Dr. Govinder Singh Brar, Advocate,
for the petitioners.

Mr. P.S. Grewal, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of Rapat Roznamcha No.28 dated 28.11.2018 (Annexure P-4), registered under Sections 325, 323, 148 and 149 IPC, at Police Station Lakho Ke Behram, District Ferozepur in FIR No.96 dated 19.11.2018, under Sections 452, 323, 148 and 149 IPC, at Police Station Lakho Ke Behram, District Ferozepur and challan dated 18.06.2020 (Annexure P-5).

Learned counsel for the petitioners has submitted that in the present case, the Rapat Roznamcha has been registered on 28.11.2018 i.e., after a delay of 20 days from the date of the occurrence. It is further submitted that in the FIR, the police has submitted the cancellation report and thus, the Rapat Roznamcha deserves to be quashed. It is also

submitted that in the said Rapat Roznamcha, the challan has been presented on 08.06.2020 and the matter is pending before the trial Court.

This Court has heard learned counsel for the petitioners and has perused the paper-book.

A perusal of the Rapat Roznamcha dated 28.11.2018 (P-4) would show that the MLR of Joginder Singh-respondent No.2 was received at the Police Station and as per the said MLR, total six injuries have been suffered by said Joginder Singh, out of which, injuries No.1, 3, 4 and 6 were kept for X-ray and injury No.3 was also kept for observation for dental opinion and injury No.5 was reported to be a simple injury. The Board of Directors were constituted and thereafter, injury No.3 on the forearm, which was kept for X-ray, showed the fracture of left ulna, on account of which, injury No.3 was declared as grievous in nature. The other injuries No.1, 4 and 6 were declared to be simple in nature and accordingly, the cross-version was registered on the statement of Joginder Singh. After due investigation, challan has been presented. A perusal of the challan (at page 33 of the paper-book) would show that respondent No.2, who was injured, had given a statement to the effect that he is a resident of the aforesaid address and does agriculture work and adjacent to his land, there was land of Lakha Singh (petitioner No.3), Sona Singh (petitioner No.4). On 08.11.2018 at about 8 O'clock in the night, when he went to his fields to stop animals from damaging the crops/fields, then, Mangal Singh (petitioner No.1) armed with *Gandasi* along with Kulwinder Singh (petitioner No.2) armed with *Takua*, Lakha Singh (petitioner No.3), Sona Singh (petitioner No.4) armed with *Takua* and one

unknown person came from behind and encircled the complainant and thereafter, Mangal Singh (petitioner No.1) attacked the complainant with a *Gandasi*, which hit his forehead and left eyebrow and then, Lakha Singh (petitioner No.3) punched the complainant on his mouth/teeth, Kulwinder Singh (petitioner No.2) hit the complainant with *Takua* on his left arm and Sona Singh (petitioner No.4) attacked the complainant with a *Takua*, which hit thumb of his left hand.

A perusal of the challan would show that *prima facie* offences stand made out against the petitioners and no legal argument has been raised by learned counsel for the petitioners for quashing of the same and no law has been cited to show that in case, a cross-version has been registered after a delay of 20 days from the date of the occurrence, the same deserves to be quashed on that ground.

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

Nothing stated above shall be construed as a final 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.

August 22, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No