

CRM-M-8497-2019 (O&M),
CRM-M-10781-2019 (O&M) AND
CRM-M-9564-2019 (O&M)

120+204 (3 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

	Date of decision: July 14, 2023	
	1. CRM-M-8497-2019 (O&M)	
Abhimanyu Sharma		Petitioner
	versus	
State of Haryana and another		Respondents
	2. CRM-M-10781-2019 (O&M)	
Sanjay Bhatt and another		Petitioners
	versus	
State of Haryana and another		Respondents
	3. CRM-M-9564-2019 (O&M)	
Pawan Malik and another		Petitioners
	versus	
State of Haryana and another		Respondents

CORAM: HON’BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Tanvir Singh Grewal, Advocate and
Mr. Parminder Singh-I, Advocate for petitioner(s).

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Ajey Bishnoi, Advocate for complainant/respondent No.2.

ARUN MONGA, J. (ORAL)

CRM-9883-2023 IN CRM-M-9564-2019

For the reasons stated in application, same is allowed subject to all just exceptions. Reply of respondent No.2 along with annexures is taken on record.

CRM-25176-2019 IN CRM-M-8497-2019

For the reasons stated in application, same is allowed. Applicant-complainant-Akshay Bishnoi is impleaded as party-respondent No.2. Registry to amend the memo of parties accordingly.

Main cases (O&M)

Vide this common order, above-mentioned three cases are being disposed of since facts are analogues and issues raised therein are common. For brevity, recitals are taken from CRM-M-8497-2019.

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2. Petitioner seeks quashing of FIR No.217 dated 20.06.2015 registered under Sections 323, 324, 325 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Sector-5, Panchkula along with all subsequent proceedings arising therefrom.

3. Per prosecution version, on 14.06.2015 at about 5:00 p.m., complainant-Akshay Bishnoi asked his brother-Ajey Bishnoi to go to stadium to play. His brother refused as he had to take examination the next day, whereupon complainant went to take a walk alone. On that day, preparations were going on owing to visit/program of Chief Minister and Ram Dev in the Cricket Stadium. When complainant reached there, he found that his father was already present. His father clicked his photographs and showed him the place of program. His father advised him to return home. When complainant started towards his home, he went to see the ground, where one young bald-headed person intercepted him and started hurling abuses at him including addressing him to be a fool. When complainant retaliated in the same fashion, in the meantime, another bald-headed person, who was elder, arrived and yelled that complainant should be administered treatment. Thereafter the elder bald-headed person brought one baseball bat from a vehicle and started beating him. All the persons playing football also joined the assailant and started beating him with fists. On being hit by a baseball bat on his head, complainant became unconscious. When he gained consciousness, he found himself in Alchemist hospital. The incident had occurred at 6:40 p.m. An FIR was registered in this regard.

4. Learned counsels for petitioners contend that petitioner(s) have falsely been implicated in the present case. Complainant/injured is mentally upset and in the past too, he had attacked several persons in different incidents in the city of Panchkula. Petitioners were not named in the FIR and have nothing to do with the alleged offence. No recovery has been effected from them. Petitioners belong to ordinary families and that is why are being implicated in this case.

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5. On the other hand, learned State counsel, assisted by learned counsel for complainant, opposes the petition and submits that petitioners have committed serious offences. He also submits that vide order dated 22.05.2019 passed by a co-ordinate Bench of this Court, proceedings were ordered to be stayed, and therefore, the trial is not progressing further and is still at a very initial stage.
6. I have heard rival contentions of learned counsels for the parties and have gone through the case file.
7. In the present case, issues involved herein are triable. Facts stated in the affidavit(s) of the petitioners have not been verified yet. Self-serving statements of petitioners cannot be verified without proper trial the same cannot be summarily adjudicated upon by this Court. Proceedings before learned trial Court were stayed vide order dated 22.05.2019 passed by a Co-ordinate Bench of this Court presided over by Ramendra Jain. J., as he then was seized of the matter. Trial is still at a very nascent stage. Parties have to yet adduce their respective evidence. Examination and cross-examination of witnesses are yet to commence. Therefore, at this early stage, FIR in question cannot be quashed merely on the basis of affidavits.
8. In the facts and circumstances of the present case, no grounds worthy of interference are made out.
9. Dismissed.
10. Pending application(s), if any, shall also stand disposed of.
11. Photocopy of this order be placed on the connected case files.

(ARUN MONGA)
JUDGE

July 14, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No