



CRM-M-23269-2024

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

CRM-M-23269-2024

Date of Decision: 30.07.2024

Hanuman Punia

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Kumar, Advocate for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for quashing of the order dated 26.02.2024 (Annexure P-4) passed by learned Additional Sessions Judge, Sirsa in CRR No.160 of 2023 dated 03.10.2023 titled as Ashish Garg vs. State of Haryana, vide which revision petition dated 03.10.2023 (Annexure P-3) filed by respondent No.2 was allowed in an illegal and arbitrary manner in FIR No.138 dated 08.07.2021 under Sections 323, 341, 506, 34, 120-B IPC registered at Police Station Nathu Sarai Chopta, District Sirsa and consequently, discharged the accused of all the charges and allegations levelled against him in the aforesaid FIR.

2. As per the facts of the case the petitioner before this Court is the complainant of the FIR as mentioned above. Petitioner-complainant lodged the present FIR alleging therein that he was running news channel, namely, *Aapni News* and publishing a newspaper, namely, *Gaon Ki Gunj*. The allegations made in the FIR by the complainant were by name against the accused. During the investigation, name of respondent No.2 also surfaced in the disclosure statement of the co-accused and thus, challan was also presented against him. Learned trial Magistrate framed the charges



against the accused including respondent No.2. However, revision petition filed by respondent No.2 was accepted by learned Revisional Court vide impugned order dated 26.02.2024. Hence, the petitioner-complainant is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner is a Journalist and he broadcast news on his news channel regarding corruption being committed by the accused and as an act of vendetta, the petitioner was threatened and given beating by the accused persons. He has submitted that during the investigation, accused Ankush made a disclosure statement about Rajender Kumar, who suffered a disclosure statement to the Police that the petitioner was attacked on the asking of respondent No.2- Ashish Garg, SDO. He submits that thus, after the completion of the investigation, challan was presented by the Police against respondent No.2 with other co-accused. After filing of the challan, learned Judicial Magistrate First Class, Sirsa framed charges against the accused including respondent No.2 on 16.09.2023 under Sections 120-B, 323, 341, 506 IPC read with Section 34 IPC, however, the same was assailed by respondent No.2 by way of filing revision petition before learned Additional Sessions Judge, Sirsa, which has been illegally accepted by the Revisional Court vide impugned order dated 26.02.2024. He further submits that findings of learned Revisional Court are totally unsustainable in the eyes of law, as the offence of conspiracy as submitted by the complainant was proved by leading the circumstantial evidence, but learned Revisional Court has failed to appreciate the same. He submits that as per the disclosure statement of co-accused Rajender Kumar, respondent No.2



was prime conspirator and thus, *prima faice* case is made out against him, however, respondent No.2 has been illegally discharged by learned Revisional Court. It is submitted that the impugned order being unsustainable in the eyes of law, deserves to be quashed. He relies upon the judgment of Hon'ble Supreme Court in State of Orissa vs. Devendera Nath Tadhi, 2015(1) RCR (CrL.) 297.

4. Heard.

5. After hearing learned counsel for the petitioner and perusing the record, it is deciphered that the petitioner before this Court is the author of the FIR, who has lodged the FIR on the basis of allegations that he being a Journalist had published news regarding corruption being committed by various persons while working as public servants. On the perusal of the FIR, it is found that respondent No.2 is not named in the FIR, however, during the investigation disclosure statement of co-accused Rajender Kumar was recorded on 10.12.2021. Only evidence collected against respondent No.2 is the disclosure statement made by co-accused after about five months of the lodging of FIR by the petitioner. Supplementary statement of the complainant was also recorded by the Investigating Agency after lodging of the FIR. Learned Revisional Court has appreciated the overall facts and circumstances of the case and evidence collected by the Investigating Agency against respondent No.2. Respondent No.2 was not named in the FIR, however, lateron was implicated on the basis of the disclosure statement of the co-accused.

6. Needless to say that the prosecution of any person cannot be the whims and fancies of the complainant and the same has to be on the



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basis of credible evidence collected during investigation. Hence, this Court is in agreement with the findings arrived at by learned Revisional Court and thus, finding no infirmity in the same, the present petition is hereby dismissed.

30.07.2024	(RAJESH BHARDWAJ)
sharmila	JUDGE
Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No