

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-1491-2015

Date of decision : 15.01.2015

Mithlesh

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Gopal Sharma, Advocate
for the petitioner.

REKHA MITTAL, J.(ORAL)

The present petition under Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.) lays challenge to order dated 24.04.2014 passed by the Judicial Magistrate, Rewari and dated 23.09.2014 (Annexure P2) passed by the Additional Sessions Judge, Rewari whereby the petitioner was ordered to be summoned as additional accused under Section 319 Cr.P.C. and the order passed by the trial Court was affirmed in revision.

Counsel for the petitioner contends that as per allegations of the complainant, the present petitioner had thrown Karni, an instrument used in construction work and caused injuries on his forehead and eye. It is argued that Karni is a sharp edged weapon but no injury with sharp edged weapon has been noted during medico legal examination of the injured-victim. It is further submitted that Joginder and Krishan Kumar, brothers of the petitioner are already facing trial and the victim sustained simple injuries only. The co-accused namely Sunit and Surat Singh have not been

summoned though they were also sought to be summoned as additional accused.

I have heard counsel for the petitioner and perused the records and find no reason to interfere.

There are specific allegations against the petitioner that he had thrown Karni resulting in injury on the forehead and eye of the victim. It is not the case wherein plea of the complainant is that the petitioner caused injury from the sharp side of Karni. The injuries attributed to the present petitioner are duly reflected in the medico legal examination of the victim. When the facts and circumstances of the present case are examined in the light of judgment of Hon'ble the Supreme Court of India by the Constitution Bench *Hardeep Singh Vs. State of Punjab and Others, 2014(1) RCR (Criminal) 623*, I do not find any error much less illegality in the orders impugned. As a consequence, the petition is dismissed in limine.

However, nothing stated in this order shall prejudice the trial Court to decide culpability of the accused on merits.

(REKHA MITTAL)
JUDGE

January 15, 2015.

Davinder Kumar