

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.1364 of 2014 (O&M)

Date of decision: 07.07.2015

Hari Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sarfraj Hussain , Advocate for the petitioner
Mr.Shard Kumar Yadav, DAG Haryana
for respondent No.1
None for respondent Nos.2 to 4

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 3.4.2014, passed by the learned Additional Sessions Judge, Palwal, vide which, application of the present revisionist, under Section 319 Cr.P.C. for summoning Satbir, Ranjeet and Agochar as additional accused, was dismissed.

Suffice it to say that cross cases are pending between the parties. The present case is stated to be under Sections 148, 149, 323, 324, 326, 307, 452, 506 IPC, in which as many as 11 accused are already facing trial. According to the petitioner, Satbir, Ranjeet and Agochar are also involved in the crime. It has been stated that

PWs Jai Pal and Hari Singh when examined during trial have named

them as accused and attributed active part to them. It is alleged that on 19.7.2011 at 7.30 AM all the accused trespassed in the house of Bharat Lal. It is alleged against Ranjeet that he inflicted fist and kick blows to Hari Singh and also caused lathi blows on the left hand of Bhim Singh and gave lathi blow on the right hand of Akash and another lathi blow to Sunder. Satbir gave lathi blow on the head of Jai Pal and also gave lathi blow on the head of Bhim Singh and Sunder. Agochar is stated to have caught hold of Akash and inflicted kick and fist blows to him.

This Court had issued notice of motion only qua Ranjit and Satbir and no notice was issued regarding Agochar.

I have heard learned counsel for the parties and have also carefully gone through the file.

So far as role of Ranjeet is concerned, it is claimed that he gave fist and kick blows to Hari Singh. At the same breadth, it is alleged that he gave lathi blow on the left hand of Bhim Singh, another lathi blow on the right hand of Akash and another lathi blow to Sunder. It is not understood as to how someone carrying lathi, will give fist and kick blows. Therefore, role attributed to Ranjeet is doubtful and the learned Additional Sessions Judge was justified in not summoning him, merely on the ground that he has been named by the witnesses. Therefore, application qua Ranjeet stands dismissed.

So far as Satbir is concerned, he is stated to have caused lathi blow on the head of Jai Pal and also lathi blows on the head of Bhim Singh and Sunder. MLR shows the corresponding injury on the

head of Jaipal. The present case was registered on the statement of Hari Singh. Jai Pal in the statement under Section 161 Cr.P.C. as well as in the statement in the Court has alleged that Satbir gave lathi blow on his head. The said injury was found to be dangerous to life, for which Section 307 IPC is attracted.

Therefore, I am of the view that learned Additional Sessions Judge was not justified in refusing to summon Satbir who is attributed serious role in the crime, which is supported by medical evidence.

Learned counsel for the petitioner undertakes to produce the injured and the eye witnesses for examination on the date of hearing when they are asked to put in appearance.

In view of what has been discussed above, the present revision is partly allowed. Revision qua Ranjeet and Agochar stands dismissed, whereas Satbir is ordered to be summoned to face trial.

07.07.2015
gk

(Kuldip Singh)
Judge