

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

**(i) Criminal Revision No.3139 of 2014 (O&M)
Date of decision : 06th October, 2015**

Satpal

.... Petitioner

Versus

State of Haryana and another

.... Respondents

(ii) Criminal Revision No.215 of 2015 (O&M)

Billu Singh

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE INDERJIT SINGH

Present : Mr. Davinder Bir Singh, Advocate,
for the petitioner in Criminal Revision No.3139 of 2014.

Mr.R.S.Mamli, Advocate,
for the petitioner in Criminal Revision No.215 of 2015.

Mr. Arun Kumar and Mr. Brijesh Kumar, AAGs,
for the respondent(s)-State.

Mr. Sukhtej Singh, Advocate,
for respondent Nos.5 and 6 in Criminal Revision No.215
of 2015.

INDERJIT SINGH, J

This order shall dispose of Criminal Revision No.3139 of 2014, filed by petitioner Satpal against respondents State of Haryana etc. challenging the order dated 22.07.2014, passed by Addl. Sessions Judge, Fatehabad, vide which he has been summoned as

an additional accused to face trial under Sections 148 and 323, 307 and 452 read with Section 149 IPC on the application under Section 319 Cr.P.C and Criminal Revision No.215 of 2015, filed by petitioner Billu Singh-injured, also against the aforesaid order for not summoning Pinku alias Ishwar and Vicky as additional accused to face trial.

As per record, challan has been presented against Baljinder alias Jony and Satinder alias Manny in case FIR No.228 dated 04.09.2013, registered at Police Station Bhattu Kalan, under Sections 147, 148, 149, 307, 323, 452 IPC and Sections 25 and 27 of the Arms Act, 1959. The application under Section 319 Cr.P.C. was filed by the prosecution through complainant for summoning Satpal, Pinku alias Ishwar and Vicky. It is stated in the application that statement of complainant is recorded against Bljinder alias Jony, Satinder alias Manny, Satpal, Pinku alias Ishwar and Vicky and their names are mentioned in the FIR. All the aforesaid persons have actively participated in causing injuries to Billu Singh and their specific role has been attributed in the statement of complainant which is made before the police. The complainant also appeared before the learned trial Court as PW1 and deposed on oath about the role played by all the above mentioned persons. Therefore, in the application, it was prayed that Satpal, Pinku alias Ishwar and Vicky be summoned.

At the time of arguments, learned counsel for petitioner

Satpal contended that pistol in the present case has been recovered from accused Baljinder Singh and only one injury i.e. injury No.3 has been caused with fire arm weapon and the other injuries are with blunt weapons. Learned counsel for petitioner Satpal further contended that as per FIR, petitioner Satpal was stated to be armed with fire arm weapon and injury on the neck is attributed to him but that injury is not with fire arm weapon. Therefore, he prayed that the revision petition, filed by petitioner Satpal be accepted as he has already been found innocent during investigation and the statement of complainant is not supported and corroborated by medical evidence.

On the other hand, learned counsel for petitioner Billu Singh contended that Satpal, Pinku alias Ishwar and Vicky have been named in the FIR. They have actively participated in the commission of offence and active role has been attributed to them. Therefore, Satpal has been rightly summoned by the learned Court below. Learned counsel for petitioner Billu Singh prayed that the revision petition be accepted and Pinku alias Ishwar and Vicky be summoned to face trial.

On the other hand, learned counsel for respondents Pinku alias Ishwar and Vicky in Criminal Revision No.215 of 2015 contended that there is also delay in registration of FIR and there is every possibility of implicating these two accused. He prayed that there is no merit in the said petition and the same be dismissed.

I have heard learned counsel for the petitioners as well as learned counsel for respondents and have gone through the record.

From the record, I find that as per FIR, injuries with fire arm weapon were attributed to Baljinder alias Jony, Satinder alias Manny and Satpal, who were stated to be armed with fire arm weapons. There are four injuries on the person of Billu Singh, injured and out of which, three injuries are on his neck, abdomen and chest, as stated by complainant, in the FIR. As per medical record, placed on file, Billu Singh-injured was treated in a private hospital and as per opinion of the doctor, only injury No.3 was caused with fire arm weapon. The remaining injuries are with blunt weapon. The doctor is yet to be examined in the Court and after his/her examination and cross examination, the Court will reach to the conclusion whether any other injury is possible by fire arm weapon or not. At this stage, there are injuries on the person of Billu Singh, as stated in the FIR. Active participation has been attributed to petitioner Satpal. From the record, this Court finds that petitioner Satpal appears to be involved in the commission of offence and he should be tried together with the accused already challaned.

As regarding other two persons Pinku alias Ishwar and Vicky, even in the FIR, they have been stated as empty handed and no active participation of these persons has been alleged in the commission of offence and no injury has been attributed to them.

Therefore, in the facts and circumstances of the present

case and in view of the evidence i.e. statement of complainant, it cannot be held that Pinku alias Ishwar and Vicky appears to be involved in the commission of offence from the evidence produced before Court.

Therefore, from the aforesaid discussion, this Court finds that the impugned order dated 22.07.2014, passed by the learned trial Court is correct and as per law and no illegality has been committed while passing it.

Therefore, finding no merit in both the present revision petitions, the same are dismissed.

06th October, 2015
mamta

(INDERJIT SINGH)
JUDGE