

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Revision No. 455 of 2014 (O&M)

219

Date of decision : 13.02.2015

Som Pal and another

.....Petitioners

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.S. Budhwar, Advocate
for the petitioner.

Mr. Pawan Girdhar, Addl. AG, Haryana

LISA GILL, J.

This petition has been filed challenging order dated 10.01.2014 whereby the petitioners have been summoned to face trial on an application moved under Section 319 Cr.P.C.. Learned counsel for the petitioners vehemently contends that both the petitioners – Som Pal and Jonny @ Ravi Kumar had been found innocent during investigation by the police. They had been placed in column No. 2 and challan/report under Section 173 Cr.P.C. was not presented against them. There is no further material on record, which would justify their summoning under Section 319 Cr.P.C. There are no allegations qua the petitioners which reveal commission of an offence punishable under Sections 148, 149, 323, 506 IPC (Sections 325 and 307 IPC added subsequently). There is no injury on the person of the complainant. Therefore, the petitioners have been wrongly summoned to face trial.

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

It is apparent that the complainant – Devinder Singh has named the petitioners at the very outset. Perusal of the FIR (Annexure P-2) reveals that the petitioners are alleged to be armed with *dang* and caused injuries to Ram Kumar etc. As per the material on record, injuries are present on the person of three persons i.e. Devinder, Joginder and Ram Kumar.

Keeping in view the facts and circumstances of this case where the complainant has attributed specific role to the petitioners at very initial stage as well as stood by the same while deposing before the trial Court, I find no illegality or infirmity in the impugned order dated 10.01.2014. The arguments being raised by the petitioners cannot be gone into at this stage by this Court in revisional jurisdiction. It is for the trial Court to look into the matter on appreciation of evidence.

There is no illegality or infirmity in the impugned order, which would warrant interference by this Court.

Consequently, this petition is dismissed.

February 13, 2015
rts

(LISA GILL)
JUDGE