

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.38377 of 2015  
and  
Criminal Revision No.4525 of 2015

.....

Date of decision:30.11.2015

Karan Singh

...Petitioner

v.

Udham Singh and others

Respondents

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

.....

Present: Mr. Jangvir S. Hooda, Advocate for the petitioner.

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**Inderjit Singh, J.**

Cr. Misc. No.38377 of 2015:

For the reasons mentioned in the criminal miscellaneous application, the delay of 55 days in filing the criminal revision petition is condoned.

The criminal miscellaneous application stands disposed of.

Cr. Rev. No.4525 of 2015:

The petitioner has filed this criminal revision petition under Section 401 Cr.P.C. challenging the impugned order dated 14.7.2015 passed by the learned Additional Sessions Judge, Palwal, vide which the criminal revision filed by Udham Singh, Sonu and Sunil against the impugned order dated 11.9.2014 passed by learned Additional Chief Judicial Magistrate,

Palwal, allowing the application filed under Section 319 Cr.P.C. for summoning accused Sunil, Udham and Sonu as additional accused, has been allowed and the order of the learned Additional Chief Judicial Magistrate has been set aside.

I have heard learned counsel for the petitioner and have gone through the record.

As per the prosecution case, the occurrence took place on 6.2.2012 at about 5/6.00 p.m. when complainant-injured Karan Singh along with his nephew Jagat Singh was going from Palwal to his village on a motorcycle. As per the prosecution version, Sunil and Rohtas alighted from the car armed with swords and attacked them with swords. In order to save himself the complainant raised his hand. In the meantime Narvir, Sonu and Udham also came in a vehicle, surrounded them and gave them beatings. Sunil also took out ₹10,000/- from his pocket. The passers-by saved them, otherwise the accused would have killed them.

First of all, as per complainant, his nephew Jagat Singh was not medico-legally examined to show any injury on his person.

As regards the injury on the person of Karan Singh, there is only one injury i.e. fracture of 5<sup>th</sup> metacarpal bone of left hand and lacerated wound over the same area. The other two injuries on the person of the complainant are shown only complaint of pain and there were no external injury mark. The Court held that the two persons, namely, Rohtas and Narvir have already been challaned and charges have already been framed. The Court also discussed that there are no specific allegations in the FIR against

any of the revisionists (present respondents). Accused Rohtas, who inflicted injury with his sword to Karan Singh is also facing the trial. Under Section 319 Cr.P.C. it should appear to the Court that the additional accused, to whom the prosecution wants to summon, are involved in the commission of the offences and should face trial along with the accused already challaned. The Court held that there is no corresponding injury on the neck of Karan Singh which is stated to have been given by Sunil. The Court also discussed the improvements made by PW-1 Karan Singh.

After going through the impugned orders passed by the learned Additional Sessions Judge, I find that no illegality has been committed by the learned Additional Sessions Judge while accepting the criminal revision.

Therefore, finding no merit in the present revision the same is dismissed.

November 30, 2015.

**(Inderjit Singh)**  
**Judge**

\*hsp\*