

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

Criminal Misc. No. M-25851 of 2016

Date of Decision:-29.07.2016

Hakam Singh and others

...Petitioners

Versus

Lakhbir Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. S.S. Salar, Advocate
for the petitioners.

HARI PAL VERMA J.(Oral)

Petitioner has filed this petition filed under Section 482 Cr.P.C. against the order dated 18.4.2016 (Annexure P-3) passed by learned Additional Sessions Judge, Sangrur, whereby the order dated 14.3.2014 (Annexure P-2) passed by the Judicial Magistrate 1st Class, Malerkotla was set aside.

Learned counsel for the petitioners contends that the order passed by the Judicial Magistrate 1st Class, Malerkotla dismissing the complaint was perfectly legal and reasoned one and therefore, there was no justification for the revisionary Court to set aside that order and to remand the matter for decision afresh. He refers to para 7 of the judgment passed by learned Magistrate, wherein it has been observed that it is not possible

that a fist will broke the teeth without harming the lips. No such medical evidence was also produced.

I have heard learned counsel for the petitioner.

While issuing summoning, the Court is not required to go into the matter so deeply. The truthfulness or otherwise of the allegation is to be established during the trial but in the case in hand, not only the complainant has supported his case in preliminary evidence, as well as two eye witnesses, prima facie, have also proved the allegations made in the complaint. Even the evidence of Dr. Satpal Garg has also corroborated the ocular version given by the complainant and the two eye witnesses.

Hence, there is no ground to interfere in the order passed by learned Additional Sessions Judge, Sangrur.

The petition stands dismissed.

It is made clear that any expression made herein above shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of available evidence and the aforesaid observation is only for the limited purpose of deciding the present petition.

July 29, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No