

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33792 of 2014

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Date of decision:18.3.2016

Kartar Singh and others

...Petitioners

v.

State of Punjab and another

...Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. M.S. Bajwa, Advocate for the petitioners.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

Ms. G.K. Mann, Advocate for respondent No.2.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. praying for setting aside the order dated 4.9.2014 (Annexure-P.8) passed by learned Additional Sessions Judge, Amritsar, vide which the order dated 29.7.2013 (Annexure-P.1) passed by learned Judicial Magistrate Ist Class, Amritsar, has been upheld and also the cross-version registered for the offences under Sections 323, 324, 325 and 341 IPC in FIR No.172 dated 27.11.2007 registered for the offences under Sections 323, 324, 452, 326 and 34 IPC at Police Station Chheharta and all further proceedings arising out of above mentioned order qua the petitioners being a result of false

implication, misuse and abuse of process of law, causing manifest injustice, suffers from material illegality and wholly unwarranted.

At the request of learned counsel for the petitioner, the petition was dismissed as withdrawn qua petitioners No.1 and 2 Kartar Singh and Gehal Singh vide order dated 9.10.2014 passed by this Court.

Notice of motion was only issued with regard to petitioner No.3-Mohan Singh.

Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and Ms. G.K. Mann, learned Advocate has appeared on behalf of respondent No.2.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that an application was filed under Section 319 Cr.P.C. to summon Gehal Singh, Kartar Singh and Mohan Singh before the learned Judicial Magistrate Ist Class, Amritsar, who vide order 29.7.2013 summoned all these accused. As discussed above, this petition qua Gehal Singh and Kartar Singh-petitioners No.1 and 2 has been dismissed as withdrawn.

At the time of arguments, it was admitted by the parties that it is a case of version and cross-version. Mohan Singh was named in the cross-version and it is stated in the complaint Ex.P.1 his name was mentioned. The witnesses produced before the Court also deposed regarding raising of 'Lalkara' by the present petitioner. Learned counsel for petitioner No.3 argued that Mohan Singh is aged 90 years and he cannot

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walk etc. The learned Additional Sessions Judge also in the revision petition discussed that he is named in the FIR and active role has been attributed to him. Further in the Court the witnesses also have deposed that Mohan Singh had raised the 'Lalkara', the grievous injury of breaking upper incisor tooth was attributed to Kartar Singh, while Gehal Singh had facilitated the commission of crime by catching hold of right arm of the injured.

Keeping in view the order passed by the Courts below, I find that, at this stage, it appears to the Court that Mohan Singh is involved in the commission of the offence and he should be tried along with the accused already challaned. In no way, the orders passed by the Courts below can be held as perverse or against the evidence or law. In no way, the orders passed by the Courts below amount to miscarriage of justice. Therefore, the orders passed by the Courts below are upheld.

Consequently, finding no merit in the present petition, the same is dismissed.

March 18, 2016.

(Inderjit Singh)
Judge

hsp