

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34954-2016

DECIDED ON: September 30, 2016

SHAMSHER SINGH AND ANOTHER

.....PETITIONERS..

VERSUS

STATE OF HARYANA AND ANOTHER

....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rakesh Nehra, Advocate,
for the petitioners.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 482 of the Code of Criminal Procedure, though petitioners have sought quashing of impugned complaint case No.57/19.10.2015 captioned as ***“Balvir vs. Satish and others”*** and summoning order dated 02.03.2016 passed by JMIC, Rohtak as well as impugned order dated 28.07.2016 passed by Id. Additional Sessions Judge, Rohtak in Crl. Revision No.54 of 2016 filed by the petitioners but limits his prayer with regard to setting aside/deletion of the direction to the petitioners to appear before the Id. Magistrate given in order dated 28.07.2016 passed by Id. Additional Sessions Judge, Rohtak.

2. Undisputably, vide order dated 02.03.2016 passed by JMIC, Rohtak, petitioners were summoned to face trial under Sections 148, 149, 323, 452, 504, 506 IPC in a complaint case No. 57/19.10.2015 titled as ***“Balbir vs. Satish and others”***.

3. The aforesaid order of summoning was challenged by the petitioners before the Sessions Court, which was entrusted to the ld. Additional Sessions Judge, Rohtak. Though, the summoning order has been set aside by the ld. Additional Sessions Judge, Rohtak but the parties including petitioners were directed to appear before the JMIC, Rohtak. When there is no proceedings pending against the petitioners before the trial court at present or till date, the direction given in this regard is unwarranted and unjustified. Thus, in place of word “parties”, “respondent-complainant” be read in 4th line of para 22 of the impugned order dated 28.07.2016 passed by the ld. Additional Sessions Judge, Rohtak.

4. With the aforesaid modification, the impugned order is maintained.

5. Disposed of.

September 30, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: **Yes**

Whether reportable: **No**