

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-8844 of 2015

.....

Date of decision:28.9.2016

Ved Parkash and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. P.S. Ahluwalia, Advocate for the petitioners.

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

Ms. Puja Chopra, Advocate for complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of impugned order dated 29.11.2014 (Annexure-P.5) passed by the Court of learned Judicial Magistrate Ist Class, Patiala, whereby the present petitioners have been summoned to face trial in case FIR No.445 dated 05.12.2010 (Annexure-P.1) registered at Police Station Kotwali Patiala, District Patiala, for the offences punishable under Sections 323, 325, 341, 506, 452 and 34 IPC as well as the impugned order dated 23.2.2015 (Annexure-P.7) passed by the Court of learned Additional Sessions Judge, Fast Track Court, Patiala, whereby the revision petition (Annexure-P.6) filed by the present petitioners has been dismissed, in view of the facts and circumstances of the case.

Notice of motion has been issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and Ms. Puja Chopra, learned Advocate has appeared for the complainant-respondent No.2 and contested this petition.

I have heard learned counsel for the parties as well as learned Assistant Advocate General, Punjab, for the respondent-State and have gone through the record.

From the record, I find that vide impugned order dated 29.11.2014, learned Judicial Magistrate Ist Class, Patiala, has summoned additional accused Ravi Kumar, Rajiv Kumar, Raj Kumar alias Raju, Ved Parkash alias Shanku Ram, Nanah alias Vijay Kumar, Honey Arora only on the ground that they have been named in the FIR and also in the statement of the complainant. Revision petition filed against order was also dismissed by the learned Additional Sessions Judge, Fast Track Court, Patiala.

From the record, I find that the challan had been presented against Munish Kumar alias Monu. As per the FIR and the evidence, Ved Parkash was only attributed 'Lalkara'. Qua Honey Arora no specific role has been attributed. Accused Rajiv alias Vicky has been attributed a baseball blow on the wrist of the complainant. Copy of MLR has been placed on record. The injuries on the person of Rajinder Kumar Sharma are only complaint of pain and no external injury was found. Even the complaint of pain was not found on the right wrist of the complainant.

Keeping in view the above facts that the injuries on the person of complainant are simple complaint of pain and injury on the person of

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Vishal Kumar son of the complainant is mainly lacerated wound on the finger of left hand and the other injuries are mainly complaint of pain and injury on the person of Kamlesh Kumari is only shown as one fracture, but so many persons have been named by the complainant who have caused the injuries.

Keeping in view the evidence on record and in view of the fact that no specific role or injury has been attributed to Honey Arora and only 'Lalkara' has been attributed to Ved Parkash and further injury attributed to Rajiv Kumar is not found corresponding injury on the person of the complainant in the MLR, I find that it does not appear, at this stage, to the Court that these petitioners are also involved in the commission of the offences and they should be tried together with the accused, who are already challaned. The orders passed by the Courts below are not as per law and the same are set aside.

Therefore, finding merit in this petition, the same is allowed qua the petitioners.

September 28, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No