

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

**CRR No.1984 of 2015 (O&M)
Date of decision: 25.02.2016**

Rambir @ Ajay and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Bipan Ghai, Senior Advocate with
Mr.Paras Talwar and Mr.Gaurav Singla, Advocates
for the petitioners
Mr.Maheshinder Singh Sidhu, Addl.A.G. Haryana
Mr.J.S.Bedi, Senior Advocate with
Mr.Sunil Sihag, Advocate for respondent No.2

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Challenged in the present revision is the order dated 16.5.2015, passed by the learned Additional Sessions Judge, Palwal, vide which, all the six petitioners were summoned to face trial as additional accused on an application filed under Section 319 Cr.P.C. in a complaint case u/s 148, 149, 323, 307, 120-B/ 34 IPC read with Section 25/54/59 of the Arms Act, 1959.

I have heard learned counsel for the parties and have also carefully gone through the file.

It comes out that in the complaint, it was alleged that one Lala was assaulted by several persons. Rambir @ Ajay fired a shot on Lala from his pistol. Lala fell down. Niku @ Ranvir fired a shot on Lala, while he was lying on the ground. Lalit also similarly fired a shot on said Lala. The remaining accused, namely, Kapil, Rahul, Parveen, Kuku and Jeeta gave injuries to said Lala with *Kulhari* and *Danda*. Lala was later on removed to the hospital, where he was declared brought dead.

The perusal of the impugned order shows that a specific role has been attributed to the petitioners- Rambir @ Ajay and Ranvir @ Niku. They are alleged to have fired a gun shot at the Lala. Post-mortem report shows three gun shot injuries. Regarding remaining four petitioners, namely, Kapil, Rahul, Parveen and Kuku, it is alleged that they were present at the time of occurrence with *Kulhari* and *Danda* and gave injuries with their respective weapons. Post mortem report shows some injuries were caused with blunt weapon. However, it is matter of trial as to whether the injuries were given with reverse side of *Kulhari* or with the sharp side. However, I am of the view that at this stage, the merits of the case cannot be examined. In this case, the complainant has made a statement naming all the six petitioners and there is a post mortem report showing injuries to support the said statement. As per judgment of the Hon'ble Supreme Court in the case of Hardeep Singh v. State of Punjab and others, 2014(1) RCR (Criminal) 623, the Court can summon the additional

accused under Section 319 Cr.P.C., if more than prima facie case is made out. The parameters laid down in the said case, in my view, are met in the present case. As such, I do not find any ground to interfere in the discretion exercised by the trial Court.

Resultantly, the present revision petition stands dismissed.

25.02.2016
gk

(Kuldip Singh)
Judge