

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

CRR NO.427 of 2016 (O&M)

Date of decision : 22.07.2016

Ajay Veer Singh @ Ajay @ Goga and ors.

..Petitioners

Versus

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Jain, Advocate
for the petitioners.

Mr. Mehardeep Singh, Addl. A.G., Punjab
assisted by ASI Balbir Singh.

Mr. Sarju Puri, Advocate
for respondent Nos.2 and 3.

JITENDRA CHAUHAN, J. (Oral)

The instant revision petition has been filed by the accused-petitioners, impugning the order dated 18.01.2016, passed by learned Additional Sessions Judge, SBS Nagar (for short, 'the trial Court'), whereby, the petitioners have been summoned to face the trial in the criminal case FIR No.18 dated 18.05.2012, registered under Sections 307, 326, 323 and 148 read with 149 of the Indian Penal Code and Sections 25 and 27 of the Arms Act, at P.S. Pojjewal, District SBS Nagar.

The learned counsel for the petitioners contends that the impugned order has been erroneously passed by the learned trial Court as there is no material evidence found against the petitioners. Even in the

enquiries conducted by the DSP, HQ and SP(D), the petitioners were declared innocent. One of the petitioners, namely, Deepak Kumar is a government employee and he was on duty at the relevant time. Lastly, he states that the brother of the complainant had lodged the present FIR to falsely implicate the petitioners as at the time of alleged incident, he never interfered in the quarrel to save his brother. Thus, the impugned order is absolutely against the facts and deserves to be set aside.

On the other hand, the learned State counsel and learned counsel for respondent Nos.2 and 3 state that the name and role of the petitioners have been specifically mentioned in the FIR. The petitioners have played an active role in the incident. The learned State counsel has furnished the chart of the injuries along with the names of weapons and the names of accused to whom these injuries are attributed. The same is taken on record as Mark 'A'.

I have heard the learned counsel for the parties and perused the the entire record on file.

The present petition has been filed against impugned order dated 18.01.2016 vide which application under Section 319 Cr.P.C. was allowed and present petitioners were summoned to face trial in the FIR in question. The trial Court has passed the impugned order after considering the statements of PW1-Ashok Kumar, complainant, PW5-Ajay Kumar, injured and PW-6-Pardeep Kumar, eye-witness, wherein, they have categorically detailed the role of the present petitioners. PW1 has made

specific allegations against the petitioners qua the infliction of the injuries on the person of his brother. PW5 and PW6 have also corroborated the version of PW1 by making statements that the petitioners had given the injuries to the injured with an intention to kill him. Further, the names of the present petitioners have been specifically mentioned in the FIR and injuries, reflected in the chart (Mark 'A'), are also attributed to them. The enquiries conducted by the DSP (Hq.) and SP(D), by which the petitioners were declared innocent, are insignificant at this stage especially when direct evidence on oath is available before the trial Court.

In the instant case, this Court does not find any ground to interfere with the impugned order, in exercise of its revisional jurisdiction, as no material evidence or any circumstance has come on record to establish that there is any defect of procedure or improper acceptance or rejection of evidence by the learned trial Court. This Court feels that the impugned order has been passed after proper appreciation of evidence on record and application of judicial mind.

Consequently, the present revision petition fails and is hereby dismissed.

22.07.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No