

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.499 of 2016 (O&M)****Date of Decision: February 08, 2016**

Narender

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Tejnder Pal Singh, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision petition has been filed by the petitioner Narender against State of Haryana and other respondents, challenging the impugned order dated 24.12.2015 passed by learned Addl. Sessions Judge, Panipat, vide which the application under Section 319 Cr.P.C. filed by the petitioner was dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that an application under section 319 Cr.P.C. was filed by the complainant forwarded by learned Public Prosecutor for summoning Puran and Sandeep as accused to face trial along with the accused already facing the trial. It is stated by the complainant in the application that Sandeep and Puran had also participated in the occurrence and had caused injuries to him and his father Surender. It is also stated in the application that names of

Sandeep and Puran have also been mentioned in the FIR, which has been recorded on the statement of the complainant Narender. During the investigation, statements of injured Surender as well as Suresh Kumar and Raj Kumar were also recorded, in which, they have also specifically named aforesaid persons. It is further stated in the application that Puran was arrested but later on he was got discharged by the police.

Learned Addl. Sessions Judge, Panipat, after discussing and after going through the record, dismissed the application. It is held that FIR has been registered on the basis of statement of the complainant Ex.PA, which shows that at the time of occurrence, Sandeep and Puran were armed with lathies/dandas but complainant has claimed that accused Sandeep had given fist and leg blows on his mouth and back. The copy of MLR of complainant nowhere shows any injury on his face. The complainant had only sustained three superficial injuries on his person whereas his father had sustained injury which was dangerous to life. The Court below held that complainant nowhere deposed that on which part of body of his father Surender, Puran had caused injury. The Court also held that when Sandeep was armed with lathi, then why he will cause injuries with leg and fist blows to the complainant. The Court below further discussed that injured Surender has also claimed that Hans Raj, Pyara and Puran had caused injuries to complainant with the help of lathi, whereas the complainant nowhere disclosed that accused Puran had given any lathi blow to him. Learned Addl. Sessions Judge, Panipat

also held that statement of injured Surender shows that eye witness reached on the spot after hearing the noise, which means that they had approached later on.

The reasoning given by learned Court below after appreciating the evidence, are correct, as per evidence and law and does not require any interference from this Court. Both these persons i.e. Sandeep and Puran have been found innocent during investigation and in view of the reasonings given by learned trial Court, in no way, it can be held that from the evidence on record, it appears to the Court that both these persons are involved in the commission of the offence. The mere fact that names of both these persons have been mentioned in the FIR and also in the evidence, alone is not sufficient to summon these persons as additional accused. No specific injuries have been attributed to them. As already discussed, no such injury, as stated to be given by leg and fist blows on the face of the complainant, has been found. Again it is contradictory that Surender stated that Puran has given injuries to the complainant with lathi blow but complainant has nowhere stated so.

In view of the above discussion, I find that no illegality has been committed by learned Addl. Sessions Judge, Panipat, while dismissing the application under Section 319 Cr.P.C.

Therefore, finding merit in the present revision petition, the same is allowed.

February 08, 2016
Vgulati

(INDERJIT SINGH)
JUDGE