

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Revision No.964 of 2016 (O&M)
Date of Decision: 10.03.2016

Rohtash

...Petitioner(s)

Versus

State of Haryana & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Present:- Mr. N.S. Shekhawat, Advocate
for the petitioner.

HARI PAL VERMA J.(Oral)

Petitioner-complainant has filed the present revision petition against order dated 18.2.2016 passed by learned Additional Sessions Judge, Narnaul, whereby his application filed under Section 319 CrPC has been dismissed.

In the instant case, FIR No.50 dated 9.2.2015 under Sections 307/323/325/452/506/34 IPC, Police Station Nangal Chaudhri has been registered at the behest of the petitioner-complainant. As per the contents of the FIR, on 30.12.2014 at about 9-30 A.M., when the petitioner was irrigating his fields, he was informed by his daughter-in-law on phone that respondents

no.2 to 4 along with their family members have attacked the family of the petitioner and caused serious injuries to them. She informed that Sugna wife of the petitioner, Rajbala wife of Naresh and Krishna wife of Siya Ram were given beatings by them and injuries have caused to them. When the petitioner reached home, he was also given beatings by respondents no.2 to 4 along with four other family members. Petitioner's son Naresh was also seriously injured and ultimately, instant FIR has been registered.

Learned counsel for the petitioner contended that respondents no.2 to 4 along with their family members have attacked the family of the petitioner and as many as five persons from the family of the petitioner were seriously injured. The condition of petitioner and Sugna was critical and they were referred to SMS Medical College and Hospital, Jaipur, whereas other injured namely Rajbala and Naresh were also taken there for treatment. Injuries suffered by the petitioner were dangerous to life. Statements of the injured were recorded and specific roles have been assigned to the respondents therein and therefore, their involvement has been proved in the present case, however, still respondents no.2 to 4 were declared innocent by the police and they have been kept in column no.2. Since the respondents no.2 to 4 were illegally declared innocent, the petitioner moved an application under Section 319 CrPC, but still, learned trial Court has overlooked the roles attributed to them and dismissed the said application.

I have heard learned counsel for the petitioner and perused the impugned order.

While moving the application 319 CrPC, petitioner intended to seek summoning of Raj Bala wife of Sube Singh, Savitri wife of Krishan and Mamta wife of Raja Ram. The petitioner is the author of the FIR and as per his own version when the FIR was lodged, he had not attributed any role to them. It is only when his wife Sugna appeared as witness in Court and named the respondents and stated that they have participated in the crime, the petitioner has filed the instant application seeking their summoning. However, summoning can be ordered when there is reasonable prospect of conviction of an accused. In the present case, since no sufficient evidence is available on record to summon respondents no.2 to 4, the trial Court has rightly dismissed the application for summoning. The plea of learned counsel for the petitioner that the petitioner was not aware of all the details when the FIR was lodged and it is only when injured Sugna could explain the injuries caused to her, summoning of respondents no.2 to 4 became necessary, is not acceptable in absence of any material on record.

In view of the aforesaid, I do not find any illegality in the impugned order.

Accordingly, the revision petition is dismissed.

March 10, 2016
AK

(HARI PAL VERMA)
JUDGE