

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-25416-2017 (O&M)

Date of decision: 18.07.2017

Bhajan Lal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Dr. Parveen Hans, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 482 Cr.P.C., the petitioner seeks quashing of order dated 07.06.2017 (Annexure P-3) passed by the learned Additional Sessions Judge, Hisar and order dated 11.07.2016 (Annexure P-1) passed by the trial Court.

2. In nutshell, the petitioner lodged an FIR No. 189 dated 25.05.2012, under Sections 147, 149, 323, 325 IPC at Police Station Narnaund, District Hisar against 14 persons. However, after investigation, the police filed final report under Section 173 Cr.P.C. only against respondents No. 2 to 4 and rest of the respondents No. 5 to 15 were placed in column No. 2 of the challan declaring them as innocent. During trial, the petitioner moved an application under Section 319 Cr.P.C. for summoning respondents No. 5 to 15 as additional accused which was dismissed by the learned trial Court vide order dated 11.07.2016 (Annexure P-1). Being dissatisfied, the petitioner challenged the said order before the learned

Additional Sessions Judge, Hisar, who after hearing the petitioner dismissed

the revision of the petitioner vide order dated 07.06.2017 (Annexure P-3).

3. Learned counsel for the petitioner contends that the impugned orders Annexure P-1 and P-3, passed by both the Courts below are perverse and illegal. The injuries on the person of the petitioner were caused by all the private respondents and, therefore, they ought to have been summoned by the trial Court. He further contends that all the respondents were named in the FIR and their roles were also described by the petitioner-complainant as well as the witnesses in their statements under Section 161 Cr.P.C. The petitioner after recording his statement *prima facie* showing involvement of respondents No. 5 to 15, had moved an application under Section 319 Cr.P.C., therefore, the trial Court ought not to have dismissed the same.

4. After giving my thoughtful consideration to the submissions made by learned counsel for the petitioner, this Court finds that the instant petition is completely meritless for the reasons to follow.

5. Though, the petitioner had named all the private respondents i.e. respondents No. 2 to 15 in his complaint while lodging the FIR, but during investigation respondents No. 5 to 15 were found innocent. According to the MLR Ex. PW-7/B, the petitioner was found to have received only four injuries by the doctor, out of which two were of complaining of pain and one of swelling. His brother Jai Chand, had also received three simple injuries as per MLR Ex. PW-7/C. The fact cannot be lost sight of that in case, 14 people assault a person, he would not receive only four simple injuries and that too, out of these two were of complaining of pain and one of swelling. None of the injury received by the petitioner or his brother allegedly caused at the hands of any of the respondents was found to be grievous in nature. The petitioner has not been able to justify

the involvement of all the 14 respondents against four injuries received by him besides three by his brother-Jai Chand.

6. In view of the above discussion, I do not find any perversity or illegality in the impugned orders dated 11.07.2016 and 07.06.2017 (Annexures P-1 and P-3, respectively).

7. Dismissed.

July 18, 2017
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No