

CRM-31946-2017 in/and
CRM-M-31062-2017 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-31946-2017 in/and
CRM-M-31062-2017 (O&M)

Date of decision: 10.11.2017

Ishwar Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. OP Dhankar, Advocate for the applicant-petitioner.

RAMENDRA JAIN, J. (ORAL)

CRM-31946-2017

Copy of MLR/Medical record of the complainant Annexure P-7, filed along with the application is taken on record, subject to all just exceptions.

CRM stands disposed of.

CRM-M-31062-2017 (O&M)

1. Through this petition under Section 482 Cr.P.C., setting aside of order dated 06.04.2017 (Annexure P-5) of the Revisional Court, has been sought, summoning the petitioner as an additional Accused while accepting the application of the prosecution under Section 319 Cr.P.C., which was dismissed by the trial Court vide order dated 22.09.2014 (Annexure P-3).
2. Learned counsel for the petitioner *inter alia* contends that during investigation, the petitioner was found innocent and, therefore, while submitting final report under Section 173(2) Cr.P.C., his name was placed

in its column No. 2. At the fag end of the trial, the complainant, through Public Prosecutor with *mala fide* intention to delay the proceedings, moved an application under Section 319 Cr.P.C. for summoning the petitioner as an additional accused which was dismissed by the trial Court vide order Annexure P-3, but the Revisional Court has accepted the same illegally vide impugned order Annexure P-5.

3. I have given anxious consideration to the submissions made by learned counsel for the petitioner.

4. In the FIR itself, the petitioner was attributed iron rod blow on the shoulder of complainant-Ranbir, which is corroborated by MLR (Annexure P-7) of the complainant. Perusal of order of the trial Court shows that the said application of the prosecution against the petitioner has been dismissed, without giving any reasoning.

5. I have carefully gone through the impugned order Annexure P-5 of the Revisional Court and found no illegality or perversity in the same, in view of the fact that medical record corroborates the statement of the complainant made at the time of recording FIR.

6. The instant petition, being completely devoid of any merit, is dismissed.

7. However, since, the application for summoning the petitioner as an additional accused was filed at a very belated stage, therefore, in the fitness of things, it was required by the Revisional Court to impose some reasonable cost upon the complainant. Considering this aspect of the matter, the impugned order dated 04.04.2017 (Annexure P-5) is modified only to the extent that the complainant is burdened with a cost of ₹ 10,000/-

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to be deposited with the District Legal Services Authority, Panipat, for delay in filing the application.

8. A copy of this order be sent to the Member Secretary, District Legal Services Authority, Panipat, for necessary action.

November 10, 2017
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No