

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

123

CRM-M-47260-2017

Date of Decision: 12.12.2017.

Chand

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Chanderhas Yadav, Advocate for the petitioner.

Ramendra Jain, J.(Oral)

Through this petition under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.'), challenge has been made to the order dated 02.11.2017 (Annexure-P6) of the trial Court summoning the petitioner under Section 193 Cr.P.C. in case F.I.R. No.75 dated 28.01.2017 under Sections 307, 325, 323 and 506 of the Indian Penal Code, pertaining to Police Station Jhajjar.

The aforesaid F.I.R. was recorded on the statement of Hawa Singh, in which the petitioner was specifically named as one of the assailants, for causing injuries to him. However, the police did not file final report under Section 173(2) Cr.P.C., rather placed him in its column No.II as 'innocent'. After committal of the case to the Court of Sessions, upon an application of the complaint, the petitioner was summoned under Section 193 Cr.P.C., vide order dated 02.11.2017.

Learned counsel for the petitioner inter-alia contends that though the petitioner has been attributed a *Dang* blow on the head of the complainant, but during medico legal examination of the complainant, no such injury on the head of the complainant was observed or found by the medical officer. The petitioner was falsely named in the F.I.R. by the complainant and, therefore, he was rightly not challaned by the police after thorough due investigation.

Considering over all facts and circumstances, I find the instant petition completely devoid of any merit for the simple reason that the petitioner is very much named in the F.I.R. and has been attributed *Dang* (Lathi) blow on the person of the complainant as well as his brother Sajjan Singh. At this stage, M.L.R. of the complainant, without the statement of its author in Court during trial, cannot be taken into consideration.

I have gone through the impugned order and find no adversity or perversity calling for any interference. Hence, the petition is dismissed.

(RAMENDRA JAIN)
JUDGE

12.12.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No