

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

CRR No.2022 of 2017 (O&M)
Date of Decision: July 21, 2017

Chatar Singh

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ravi Malik, Advocate for
Mr.Sanjeev Kr. Panwar, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Chatar Singh against respondents State of Haryana and Subhash, challenging the impugned order dated 12.04.2017 passed by learned Addl. Sessions Judge, Palwal, vide which the application filed by respondent No.2 under Section 319 Cr.P.C. for summoning the petitioner Chatar Singh as additional accused was allowed.

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

From the record, I find that during the trial, an application was filed under Section 319 Cr.P.C. for summoning Chatar Singh as additional accused. The brief facts of the case as noted down in the order dated 12.04.2017 passed by learned Addl. Sessions Judge, Palwal, are as under:-

“3. The brief facts of the FIR are that on 12.10.2016 a telephonic message was received from Asian Hospital Faridabad to Police Station that Amit son of Kishan Singh was admitted in Hospital regarding firearm injury. On that information Investigating Officer alongwith Constable Narender went to Asian Hospital and obtained MLR and ruqua and doctor opined that patient is not fit for making statement. There Investigating officer met Subhash cousin brother of injured and he made statement that on 11.10.2016 at around 9.30 AM, the complainant's cousin Amit reached the Icon Slipper Factory near Railway Crossing Siha on his motorcycle in order to meet the complainant. As per the complainant, Amit was standing at a shop just opposite the complainant's company as he was waiting for him. After sometime, hearing some hue and cries, the complainant reached the spot and saw that 3-4 persons were hitting and abusing Amit. The complainant tried to intervene but they also gave fist blows to the complainant and one of the accused Gopal fired a short on Amit from his country made pistol. On hearing the hue and cries of the complainant, several persons came to their rescue.”

From the record, I find that FIR has been got registered by complainant Subhash PW-3, brother of injured Amit, who himself appeared as PW-1 and in the FIR, it was mentioned that Gopal had fired on the chest of Amit, whereas, in the statement got recorded by the injured Amit, it has been specifically stated that shot was fired by Chatar Singh. Amit had also appeared in the Court and had also deposed on oath that he has suffered injuries from the hands of Chatar Singh.

The Court has discussed this aspect itself that complainant reached the spot after hearing hue and cry and at that time, Gopal was firing in the air and the injury has already been suffered by Amit. The Court discussed all these facts and further that in the enquiry vide which Chatar Singh was not found involved, is not based on any evidence nor that evidence has been mentioned in the final report.

The perusal of the impugned order shows that order has been

passed as per evidence and law. In no way, this order dated 12.04.2017 can be held as perverse or against the evidence. At the time of summoning additional accused under Section 319 Cr.P.C., it should appear to the Court that the person to whom the prosecution wants to summon as additional accused is involved in the commission of the offence and should be tried with the accused already challaned. The standard of proof for summoning additional accused is more than prima facie case and in the present case, injured Amit, on oath, has made statement that petitioner Chatar Singh has fired upon him.

In view of the above discussion, I find that the impugned order dated 12.04.2017 passed by learned Addl. Sessions Judge, Palwal, is correct, as per evidence and law and does not require any interference from this Court.

Therefore, finding no merit in the present revision petition, the same is dismissed.

July 21, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No