

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

CRR-2512-2017

Date of decision: 21.11.2017

Anil @ Anil Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sunil Panwar, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana
for respondent No.1.

Mr.Suresh Kumar Chauhan, Advocate
for respondent No.2.

H.S. MADAAN, J.

This revision petition is directed against the order dated 15.4.2017 passed by the Court of learned Sessions Judge, Bhiwani vide which application under Section 319 Cr.P.C. for summoning of Anil son of Sant Lal (present petitioner) was allowed.

FIR No.422 dated 3.7.2015 for offences under Sections 307 IPC and 25 of the Arms Act was registered with Police Station Sadar, Bhiwani on the basis of statement of complainant Ompal Singh son of Jagmal Singh, resident of village Dhirana Majra, District Bhiwani, who in the statement got recorded with the police stated that on 2.7.2015, he

along with his brother Dharampal, Bhupender and Kuldeep was travelling in Bolero vehicle bearing registration No.HR-16-G-5777 for security checking; that when they had reached near the house of Sunder Singh son of Chander, then they saw Anil son of Sant Lal and Lal son of Sheo Lal, both from Rajput community sitting in front of the house of Sunder; that with an intention to kill him, a shot was fired on vehicle of the complainant; that the shot hit the vehicle and both such accused run away; that the complainant had got frightened and after discussing with his family, he went to police station with relatives to lodge the report. After registration of the FIR, investigation was carried out. Accused Lala @ Lal Singh was arrested in this case on 7.7.2015 and in pursuance of the disclosure statement suffered by him, alleged weapon of offence was recovered. Samples were sent to FSL. Statements of witnesses were recorded. The complainant had moved an application to Superintendent of Police, Bhiwani on 9.7.2015, which was marked to CIA for investigation and report. During investigation, the petitioner was found to be innocent observing that he was even not present at the spot when alleged occurrence took place. Thus after verification of investigation by Sh.Naveen Kumar, DSP, Head Quarter, Bhiwani, final report under Section 173 Cr.P.C. was submitted in the concerned Court, in which the petitioner was shown to be innocent. However, on 30.3.2016 statement of complainant PW1 Ompal Singh was recorded in the Court and after partial examination of the witness, an application under Section 319 for summoning the petitioner as an additional accused was moved and cross-examination of witness PW1 was deferred. Vide impugned order, the trial

Court had summoned the petitioner as an additional accused.

Feeling aggrieved, the petitioner has filed the present revision petition.

I have heard learned counsel for the revision petitioner, learned State counsel as well as learned counsel for the complainant, besides going through the record and I find that there is no illegality or infirmity with the impugned order. Rather it is based upon proper appraisal and appreciation of evidence and correct interpretation of law.

Learned trial Court referring to the landmark authority on the subject i.e. **Hardeep Singh Versus State of Punjab and others, 2014(3) SCC 92** had recorded its subjective satisfaction that judged on the touchstone of the law laid down by Hon'ble Supreme Court in **Hardeep Singh's** case (supra), it was of the considered view that from the evidence, it appeared that Anil has committed the offence under Section 307 IPC, for which, he should be tried together with accused Lal Singh @ Lala. Thereafter, the accused had been summoned.

After hearing the rival contentions, I find that law is well settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment/order passed by a Court below or the same is perverse. Merely because another view in the matter is possible, no inference with such order is to be done.

Thus, there is no ground to exercise the revisional jurisdiction and set aside the impugned order.

Therefore, revision petition challenging that order cannot

survive and is dismissed accordingly.

However, the petitioner may take all the pleas in the trial Court as per law and the trial Court would deal with the same in accordance with law.

21.11.2017

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(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**