

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

**CRR No.2607 of 2017 (O&M)
Date of Decision: December 06, 2017**

Vishal Bedi

...Petitioner

VERSUS

Raj Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.H.S.Dhindsa, Advocate
for the petitioner.

Mr.R.S.Rai, Senior Advocate with
Mr.Anurag Arora, Advocate
for respondent No.1.

Ms.Simranjeet Kaur, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Vishal Bedi against respondents Dr.Raj Kumar and State of Punjab, challenging the impugned judgment dated 03.06.2017 passed by learned Sessions Judge, Hoshiarpur, vide which revision filed by the accused-respondent challenging the summoning order dated 08.02.2017 passed by learned Chief Judicial Magistrate, Hoshiarpur, was allowed.

Notice of motion was issued. Learned counsel for respondent No.1 as well as learned State counsel appeared and contested the petition.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

From the record, I find that in the present case, FIR No.26 dated 23.02.2014 was got registered under Section 306 IPC, in which cancellation report was filed. The complainant filed a protest petition and learned CJM, Hoshiarpur, vide order dated 08.02.2017, summoned all the accused as stated in the headnote of the complaint under Sections 305,341, 506 and 149 read with Section 120-B IPC. A revision was filed by accused-respondent before the Court of Session and learned Sessions Judge, Hoshiarpur, accepted the revision and set aside the summoning order vide impugned judgment dated 03.06.2017.

Learned counsel for respondent No.1 argued that FIR has been registered against other accused and present petitioner is father of one of the accused named in the FIR and he has no concern with the occurrence mentioned in the FIR. In protest petition, he has been summoned.

First of all, as per FIR version, Kulraj Bedi son of complainant Vishal Bedi, who was about 19 years of age, was given beatings by Nishanth Kumar, Akshey Vashisht, Harsimran Walia, Rishav Arora, Sumit Arora and Savedh alias Shavat Randev and they also torn his clothes. Kulraj Bedi committed suicide by consuming some poisonous substance. The police after investigation filed untraced report, in which protest petition was filed. In the protest petition, the complainant also added name of Raj Kumar.

I have gone through the protest petition. All the allegations in the protest petition are regarding committing of suicide by Kulraj Bedi due to abetment by accused No.1 to 6, who are accused in the FIR. The

he met the complainant near Hotel Maharaj and threatened the complainant that he should compromise with them, otherwise, police is in his pocket and he is not bothered about any thing now and he had already got cancelled the FIR by using his influence and money and he is not afraid of anybody now. Except these allegations, in para No.13 of the protest petition, there is no other allegation against accused-respondent. There is no allegation that Raj Kumar, respondent No.1 in present petition, has committed offence under Section 305 IPC i.e. abetment to commit suicide. There is also no allegation against him that he constituted unlawful assembly. There is no allegation of criminal conspiracy or of any other type, except the allegations, as stated above.

Furthermore, the occurrence took place on 22.02.2014 and the present occurrence regarding threat, is stated to be of 22.01.2016. I have gone through the record. Learned Magistrate has not discussed anything on this point. Even in the summoning order, he has not even once mentioned the name of Raj Kumar. The summoning order, looks to have been passed against Raj Kumar in a mechanical manner. Even in the last line, the Court has stated that all the accused whose names have been given in the headnote be summoned. This aspect that occurrence qua threat is stated to be of 22.01.2016 and only threat to compromise the matter has been alleged against him, has not been considered by learned Magistrate.

In view of the above discussion, I find that learned Sessions Judge, Hoshiarpur, has rightly re-appreciated the evidence, while setting aside the summoning order dated 08.02.2017. No illegality has been committed by learned Sessions Judge, Hoshiarpur, while passing the

impugned judgment dated 03.06.2017.

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

December 06, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No