

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

CRR No.2837 of 2017 (O&M).
Decided on:-13.09.2017.

Amit.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Abhishek Sindhwani, Advocate
for the petitioner.

HARI PAL VERMA, J.

The petitioner has filed the present revision petition against order dated July 12, 2017, whereby learned Judicial Magistrate 1st Class, Jind on the application filed by the respondent No.2-complainant under Section 173(8) Cr.P.C., has allowed further investigation in case bearing FIR No.272 dated 27.07.2015 under Sections 323, 341 and 506 read with Section 34 IPC registered at Police Station Sadar Jind, District Jind. Challan in the case was submitted by the police under Sections 323, 341, 325 and 506 read with Section 34 IPC.

The aforesaid FIR was registered on the statement of respondent No.2-complainant Narender with the allegations that on 27.07.2015 at about 10.30 AM, the complainant was heading towards auto stand of his village so as to board an auto-rickshaw to go to Jind. In the meanwhile, he received a

call from Bittu that family members of Zile Singh had surrounded the house of his uncle Sanjay. The complainant returned back and had reached the house of his uncle Sanjay, where Satpal son of Ram Diya gave a Lathi blow on his right leg and three sons of Satpal were also present at the place of occurrence. They had also given Lathi blows on the head, waist and legs of the complainant, whereas Bijen alias Midha son of Mahabir had also given a Lathi blow on the shoulder of the complainant. While the complainant tried to escape from the spot, accused Satpal and his three sons caught hold of him and gave him beatings. They ran away after seeing that people were approaching towards the place of occurrence. However, while leaving the place, they had given a threat that they would kill him (complainant) the next time, they will see him.

The police has submitted Challan in the case against petitioner Amit as well as co-accused Satpal and Jagat. Thereafter, the complainant has filed an application under Section 173(8) Cr.P.C. for further investigation in the case on the ground that the investigation carried out by the police is biased and the police has registered the case only against three persons, namely, Satpal, Amit (petitioner) and Jagat, whereas clean chit has wrongly been given to Jitender and Bijender. While seeking further investigation, it has been alleged that the other persons, namely, Sonu, Rahul, Sanjay, Subhash, Deepak, Rajesh, Virender, Pawan and Surender were also involved in the commission of crime. The police has obtained signatures of the complainant on blank papers and wrote the statement favouring the accused party. Therefore, further investigation may be directed.

Learned counsel for the petitioner has argued that the complainant has concealed material facts. In fact, the complainant and his son were the aggressors and they had caused injuries to accused Satpal and the petitioner for which, the petitioner has also filed a complaint under Sections 323, 325, 341, 452 and 506 read with Section 34 IPC against the respondent-complainant Narender and others. In the said complaint filed by the petitioner, respondent No.2-complainant along with other co-accused have been summoned to face trial under Sections 323, 341, 452 and 506 read with Section 34 IPC vide order dated 16.05.2016 (Annexure P-4) passed by learned Judicial Magistrate 1st Class, Jind.

I have heard learned counsel for the petitioner.

There is no dispute that in the complaint filed by the petitioner, the respondent No.2 (i.e. Narender), who is complainant in the present FIR No.272 dated 27.07.2015, has been summoned to face trial along with other co-accused. However, in the present FIR, there is a specific allegation against the petitioner, who is son of co-accused Satpal, that he had given Lathi blows on the head, waist and leg of complainant Narender. Therefore, this Court finds that the impugned order dated 12.07.2017 passed by learned Judicial Magistrate 1st Class, Jind does not warrant any interference as the trial Court has found that the investigation in the case was not conducted properly, which has necessitated further investigation in the case.

Thus, there is no illegality or irregularity in the impugned order dated 12.07.2017 passed by learned Judicial Magistrate 1st Class, Jind.

Accordingly, the impugned order is upheld and the present revision petition, being devoid of any merit, is dismissed.

September 13, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No