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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR No. 317 of 2017 (O&M)
Date of Decision: 31.10.2017

Lovepreet Singh @ Lavi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sukhdeep Singh Sidhu, Advocate,
for the petitioner.

Mr. J.S. Walia, Senior D.A.G., Punjab.

Mr. L.S. Sidhu, Advocate,
for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

This petition is directed against the impugned order dated 11.11.2016, passed by the Ld. Additional Sessions Judge, Bathinda, in the trial proceedings arising out of F.I.R. No. 202, dated 23.08.2014, of Police Station Talwandi Sabo.

2. The petitioner was originally alleged in the F.I.R. as having given a *Ghop* blow from its sharp side on the left hand from its outer side to

Rajpal Singh, son of the complainant, who had ostensibly assisted his father to get up after being assaulted in the alleged occurrence. However, the Police, during investigation, did not find any material to connect the petitioner with any involvement in the occurrence, on account of which his name was not sent up as an accused for trial. Subsequently, however, the complainant Major Singh, while deposing as PW-1 in the Ld. Trial Court, made the same statements against the petitioner, which were consistent with the allegations of the original F.I.R. The petitioner was, therefore, summoned to face trial in allowing the application under Section 319 of the Code of Criminal Procedure, vide the impugned order.

3. Contention of Ld. Counsel for the petitioner in this regard is that there is no material justifying his implication in the trial, firstly, because he was found innocent by the Police during investigation, and secondly, because even the charges framed against the other co-accused sent for trial, do not mention anywhere about the complainant's son Rajpal Singh being assaulted in the occurrence.

4. In the opinion of this Court, however, these contentions raised on behalf of the petitioner are not convincing. This is so because admittedly, according to the F.I.R., the injury upon the victim Rajpal Singh is imputed only to the present petitioner and that also at later stage in the occurrence, when the said victim had only intervened to assist his father in getting up after getting injured and having fallen down as a consequence of the original assault, and secondly, since the versions concerning the nature and extent of the petitioner's involvement in the alleged occurrence in the original F.I.R. as well as the subsequent deposition in the Court are

consistent. So it cannot be said that the standard of satisfaction to allow the petition for summoning him under Section 319 of the Code of Criminal Procedure is short of what the Supreme Court has laid down in the case of **“Hardeep Singh Vs. State of Punjab and etc.”, 2014 (1) R.C.R. (Criminal) 623.**

5. For the aforesaid reasons, this Court finds no merits in the present petition.

6. Dismissed.

31.10.2017

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No