

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

**CRR No.381 of 2017 (O&M)
Date of decision : August 02, 2017**

Chainpal **Petitioner**

Versus

State of Haryana **Respondent**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Manoj Bajaj and Mr. Himanshu Arora, Advocates
for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner has impugned the order dated 10.11.2016 passed by learned Addl. Sessions Judge, Mewat, vide which in an application filed under Section 319 Cr.P.C., he has been summoned as an additional accused to face trial for the commission of offence punishable under Sections 148, 149, 323, 325, 307 and 506 IPC.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

A perusal of the impugned order shows that during the investigation, the petitioner and co-accused Balbir, who has also been summoned as an additional accused to face trial along with nine other persons were found innocent and not challaned. The court while passing the impugned order has referred to the statement made by the complainant while appearing in the witness box and has observed that his statement is corroborated by the medical evidence and the specific injury has been

attributed to the petitioner and Balbir, whereas the allegations against other persons are general and vague. Therefore, only two persons were summoned including the present petitioner. The court has also took into consideration the law laid down in case of “*Hardeep Singh v State of Punjab and others*”, 2014(1) RCR (Criminal) 623 and in case of “*Nachattar Singh v State of Punjab and others*”, 2015(1) Law Herald 758 (P&H).

I am of the view that when the statement of the complainant is supported by the medical evidence and the specific injury is attributed to the present petitioner, the impugned order cannot be called illegal or against law. The mere fact that the petitioner was found innocent by the Investigating Officer during investigation, is no ground to refuse the summoning. Thus, there is no ground to interfere in the impugned order.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

August 02, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No