

CRR-4601 of 2017

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

CRR-4601 of 2017
Date of Decision: 11.12.2017

Parveen Sharma

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. R.S. Rai, Sr. Advocate, with
Ms. Rubina, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

This revision petition has been directed against the order dated 21.11.2017 passed by learned Sessions Judge, Mewat, dismissing the application of the petitioner under Section 319 Cr.P.C. seeking summoning of respondents No.2 to 9 as additional accused to face trial in Sessions case No.96/25.01.2017 titled as “State v. Parveen and others” arising from FIR No.09 dated 24.01.2016 registered under Sections 148, 149, 332, 353, 186, 188, 395, 397, 323, 325, 201 and 506 read with Section 120-B IPC, Sections 135, 135A of the Representation of People Act and Section 3 of the Prevention of Damage to Public Property Act.

Learned counsel for the petitioner/complainant contends that the trial Court wrongly and illegally dismissed his application under Section 319 Cr.P.C. to summon eight persons i.e. Respondents No.2 to 9 as additional accused, though specifically named by injured petitioner Parveen

Sharma PW-16. The trial Court did not appreciate that eight persons sought to be summoned as additional accused were specifically named by the

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petitioner in his statement under Section 161 Cr.P.C. as well as before the Court and also the fact that an FIR was registered against one Kamal out of those eight persons, under Section 25 of the Arms Act on the date of the incident itself for keeping a countrymade pistol and three live cartridges without permit or license. There were specific allegations against respondent No.2 – Kamal that he, carrying a countrymade pistol, entered in the polling booth and threw electronic voting machines on the floor and thereafter, raising a *lalkara* towards PW-16 done him to death, chased and fired at him with an intention to kill him, but the petitioner narrowly escaped. Thereafter Kamal and his companions surrounded him and gave butt blows of their pistol and countrymade pistol. The trial Court ought not to have dismissed the application of the petitioner under Section 319 Cr.P.C.

After giving thoughtful consideration to the submissions made by learned counsel for the petitioner, I find the present petition completely devoid of any merit for the following reasons: -

1. In the instant case FIR was got recorded by the Presiding Officer of the polling booth, who did not mention in his statement while recording FIR that any firing incident had taken place inside or outside his booth. Had it been so, he must have got mentioned this fact in his statement at the time of lodging the FIR, though may not have witnessed the same because it has not come on the record that he was a deaf and dumb person and, thus, could not hear the voice of firing incident.

2. During investigation, the police did not find or recover any

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empty cartridge from the spot, which falsifies the version of PW-16 Parveen Sharma.

3. Even during investigation, the version of PW-16 Parveen Sharma of firing incident was found false.
4. According to PW-16, Kamal Sharma fired at him, but he narrowly escaped. In the original MLR of Parveen Sharma only lacerated wounds were shown on the parietal region of the petitioner, which prima facie does not corroborate his statement in Court.
5. The registration of FIR against Kamal under Section 25 of the Arms Act on the same date in the same police station has no nexus in between the present incident and the said FIR unless and until some link evidence is produced or brought before the Court.

It is not believable that when the petitioner narrowly escaped from the alleged fire by Kamal then said Kamal did not make any effort to fire second shot and gave only butt blows. From the above fact, story putforth by the petitioner does not seem to be convincing, probable and truthful.

In view of above, impugned order is affirmed and the revision petition is dismissed.

December 11, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No