

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

CRM-M-18077-2018

Date of decision:-1.5.2018

Ravinder

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Bhawesh Chaudhary, Advocate
for the petitioner.

H.S. MADAAN, J.

By way of filing the present petition, petitioner Ravinder seeks quashing of order dated 13.12.2017 passed by learned Additional Sessions Judge, Charkhi Dadri in Criminal revision Petition No.CRR-16 of 2016 upholding the order dated 27.1.2016 and charge dated 6.4.2018 against the petitioner under Section 406 IPC by Sub Divisional Judicial Magistrate, Charkhi Dadri in a case titled "State of Haryana Versus Sunder and others", where the petitioner had been summoned as an additional accused while allowing application under Section 319 Cr.P.C.

According to the petitioner, his name is not mentioned in the original complaint and he was named by complainant Naresh Kumar when his statement was recorded in the Court, therefore, there is no

reason to summon him but the trial Court wrongly did so and learned Additional Sessions Judge, Charkhi Dadri wrongly affirmed that order.

I have gone through the order passed by learned Sub-Divisional Judicial Magistrate, Charkhi Dadri while allowing application under Section 319 Cr.P.C. directing that Ravinder (present petitioner) and Krishan be summoned as additional accused whereas declining such request qua SI R.S. Dhankhar.

Learned Sub Divisional Judicial Magistrate has observed that prima facie a case under Section 406 IPC is made out against Krishan son of Mange Ram and Ravinder son of Krishan Kumar. Learned Additional Sessions Judge, Charkhi Dadri while dismissing the revision petition has given valid reasons for upholding the orders passed by Sub Divisional Judicial Magistrate, Charkhi Dadri and dismissing the revision petition. He has kept in view the observations made by the Constitutional Bench of Apex Court in **Hardeep Singh Versus State of Punjab and others 2014(1) RCR(Criminal) 623** observing as under:

In the present matter, the complainant has categorically mentioned the name and role of revisionist Krishan in his original complaint. Further, in his testimony before the Court, he has mentioned that Krishan got prepared the documents and got his signatures on same. He has also mentioned the name of revisionist Ravinder being involved in the crime. He has further mentioned in his cross-examination about extension of death threats by accused persons including revisionists Ravinder and Krishan. The police has exonerated Krishan and has not charge-sheeted

any of the revisionist, but at the same time, the documents shown by learned counsel for the complainant today reveals that departmental action has been directed against Investigating Officer SI Pawan Kumar. The trial is at the initial stage, and no harm will be caused to any of the co-accused if the revisionists are tried together. There is more than a prima facie evidence in the form of testimony of complainant mentioning their names and role. Though it cannot and it should not be observed that the same will result into conviction or not, but at the same time there is no reason to disbelieve the same on face of it without completing the process of law. In fact, the trial would be the best mechanism to ascertain the truth finally in the given circumstances. Thus, there seems to be no infirmity in the decision of the learned Trial Court. Accordingly, the present revision petition stands dismissed.

I do not find any illegality or infirmity in the impugned orders passed by the Courts below, which might have called for interference by this Court.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

1.5.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No