

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1984-2018

Date of decision: - 18.01.2018

Om Parkash and others

.....Petitioners

Versus

Rajesh

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aditya Jain, Advocate
for the petitioners.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 12.09.2017, passed by learned Judicial Magistrate 1st Class, Faridabad, vide which, the present petitioners have been summoned to face the trial under Sections 148, 149, 323, 325, 452 and 506 IPC.

It is contended that on the similar allegations a DDR No.14 dated 16.05.2016 was also lodged against the present petitioners and they have been declared innocent by the police. It is further contended that in the initial version before the police only four persons were named as an accused, but now in the present complaint ten persons have been roped as accused and some of them were not even present at the time of alleged occurrence being employed some where else. .

Heard learned counsel for the petitioners and perused the paper-book.

A bare perusal of the complaint dated 02.12.2016 (Annexure P-2) as well as impugned summoning order dated 12.09.2017 (Annexure P-1) reveal that prima facie allegations are there against all the petitioners and the contentions raised by learned counsel are pleas of defence and those can be raised before the learned trial Court at the appropriate stage.

The learned trial Court after recording the preliminary evidence found a prima facie case and has summoned the petitioners to face the trial and this Court cannot scuttle the trial in a midway. In view of the fact that there is sufficient material available on record for summoning of the present petitioners, therefore, this Court does not find any merit in the present petition. Consequently, the present petition is dismissed. It is made clear that the above observations may not be construed as an expression of an opinion on merits of the case.

However, liberty is granted to the petitioners to move an application for seeking exemption of their personal appearance before the trial Court and in case such an application is filed, the same shall be considered by the learned trial Court, in accordance with law.

(MAHABIR SINGH SINDHU)
JUDGE

January 18, 2018
naresh.k

Whether reportable?	No
Whether reasoned/speaking?	Yes