

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19980-2018

Date of Decision: 14.05.2018

Charan Dass

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rakesh Gupta, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner has challenged the orders of the learned Additional Sessions Judge, Ambala, dated 02.05.2018 (Annexure P-1), as also the order of the learned Judicial Magistrate Ist Class, Ambala, dated 19.08.2014 (Annexure P-2), by which the petitioner was summoned upon an application having been filed by the complainant under the provisions of Section 319 Cr.P.C.

As per the impugned order, firstly, the complainant in his complaint had specifically stated that he was given a '*Gandasi*' blow by the petitioner, i.e. Charan Dass, which according to the learned courts below also found corroboration from the MLR in respect of injured Avtar Singh.

The complainant is thereafter also stated to have reiterated the same version when he stepped into the witness box.

Learned counsel for the petitioner, on the other hand submits that there was no fresh evidence led in respect of the injuries stated to have been

attributed to the petitioner, after he was actually discharged by the learned Juvenile Justice Board, vide the order dated 24.02.2016 (Annexure P-9).

That order of discharge was challenged by the complainant, Amar Singh, by way of a revision petition, the said petition having been allowed and the order of discharge set aside, vide the order of the learned Additional Sessions Judge, Ambala, dated 17.02.2017, a copy of which has been annexed as Annexure P-11 with the petition.

That order having been challenged by the petitioner before this Court vide CRM-M-8672-2017, that is stated to have been dismissed as withdrawn, vide an order recorded on 27.03.2017.

Thereafter, the petitioner challenged the order initially passed by the learned JMJC, Ambala on 19.08.2014 (Annexure P-2), by which he had been summoned on an application filed under Section 319 Cr.P.C., with that revision petition now having been dismissed, vide the impugned order of the learned Additional Sessions Judge, Ambala.

Having considered the arguments of learned counsel for the petitioner, for the reasons already stated hereinabove, to the effect that as per the original case of the complainant, as recorded in the FIR (Annexure P-3), the petitioner gave a blow with a '*Gandasi*' to Avtar Singh, which as per the learned courts below is borne out from the MLR, with the version reiterated by the complainant in his testimony before the trial Court, without making any comment whatsoever on the actual culpability of the petitioner or otherwise, for the offence as is alleged to have been committed by him, I find no ground to interfere with the orders of the learned courts below.

Consequently, this petition is dismissed but with nothing stated hereinabove to be taken to be an observation of this Court on the actual culpability

of the petitioner, which would be gone into by the trial Court wholly on the basis of evidence led before it.

May 14, 2018
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes