

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-22710-2015

Date of decision: 29.11.2018

Dr. Raj Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Ms. Mannat Anand, Advocate for
Mr. Yogesh Saini, Advocate for the petitioner.

Mr. Vikramjit Singh, Addl. AG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing order dated 19.07.2014 (Annexure P-1) of the trial Court, whereby the petitioner was summoned as additional accused under Section 319 Cr.P.C., to face trial in case FIR No. 209 dated 05.06.2011, registered under Sections 148, 149, 323, 324 and 506 IPC at Police Station Matlauda, District Panipat and order dated 08.06.2015 (Annexure P-3) whereby the Revisional Court, while affirming the aforesaid order of the trial Court, dismissed his revision.

Briefly, on the complaint of Puran Singh, petitioner along with his co-accused, was booked in aforesaid FIR. During investigation, petitioner was found innocent. Therefore, his name was placed in column No. 2 of the final report under Section 173(2) Cr.P.C. Immediately, after framing of charge and recording of examination-in-chief of complainant-

Puran Singh (PW-1), the prosecution moved an application under Section 319 Cr.P.C., for summoning of petitioner as an additional accused, which after hearing both the sides, was allowed by the trial Court vide order Annexure P-1.

Being aggrieved, the petitioner approached the Revisional Court, but remained un-successful as his revision too was dismissed.

Learned counsel for the petitioner *inter alia* contends that during investigation, the police found the allegation of complainant that the petitioner hit him on his head with lathi as false, therefore, he was declared innocent. Both the Courts below have failed to appreciate that at the time of occurrence, the petitioner was attending a meeting of All India Lok Dal Vyapar Cell. He was not present at the spot. He had falsely been implicated in the instant case and had wrongly been summoned by the trial Court. In support of her contentions, learned counsel has relied upon judgments of this Court in **Sushil Soni Vs. State of Haryana and others, 2016(3) RCR (Criminal) 792** and **Rajbir Singh Vs. State of Haryana and others, 2006(3) RCR (Criminal) 195** and that of Uttrakhand High Court in **Shyamveer Vs. State of Uttarakhand and another, 2012(2) UD 629.**

On the other hand, learned State counsel vehemently refuting the submissions of learned counsel for the petitioner, pleaded the legality and validity of impugned orders of both the Courts below.

After giving anxious consideration to the rival submissions, this Court finds the instant petition completely devoid of any merit, for the reasons to follow:

The innocence or involvement of the petitioner is solely based on appreciation of evidence, which can only be ascertained only after examination of prosecution witnesses.

It is quite pre-mature to say that the petitioner has wrongly been summoned under Section 319 Cr.P.C., in view of the fact that complainant had specifically named the petitioner in his complaint which culminated into the aforesaid FIR. The petitioner has not alleged any ill motive against the complainant or that he had any axe to grind against him and for that reason, he falsely named the petitioner while lodging the FIR. The complainant in the witness-box also specifically named the petitioner in causing injuries to him.

The facts and circumstances of the judgments relied upon by learned counsel for the petitioner are quite distinguishable from the facts of instant case, therefore, no benefit whatsoever of the same can be given to the petitioner. More so, every case has its own peculiar facts and circumstances.

In view of the above, the instant petition, being completely devoid of any merit, is dismissed.

Since, the trial has already been delayed, therefore, the trial Court is directed to proceed with the trial and dispose of the same expeditiously.

November 29, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No