

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 2960 of 2014 (O&M)

Date of decision : 14.3.2018

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Jaspal Singh

.....Petitioners

vs.

Shingara Singh and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Charanpal Singh Bagri, Advocate
for the petitioner.

Mr. Amit Gupta, Advocate for respondent No.1.

Mr. Bhaskar Sharma, Advocate for respondent No.2.

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H. S. Madaan, J.

Complainant – Jaspal Singh had filed a complaint under Sections 323, 298, 441, 355, 500, 506, 120-B, 34 IPC, against accused Shingara Singh and Avtar Singh Makkar, on the allegations that on 13.10.2009, at about 9.00 A.M., accused Shingara Singh had slapped his son Simranjeet Singh besides giving him threats and abuses. Simranjeet Singh escaped from the spot on his motorcycle and informed the complainant, who had submitted an application on that very day to the SHO Police Station Samrala, but the police did not carry out any investigation. Then ASI Avtar Singh Makkar gave beatings and slaps to the complainant, besides pulling beard of the

complainant and hurting his religious sentiments.

During his preliminary evidence, the complainant got his statement recorded as CW-1 besides examining Sukhwinder Singh as CW-2, Kulwant Singh as CW-3 and closed his evidence. However, the trial Magistrate did not find enough material on the record to summon the accused. The reasons given by him for non-summoning the accused are as follows:-

- 1) the complainant had not examined his son Simranjit Singh, who was allegedly slapped, abused and threatened by accused Shingara Singh on 13.10.2009 at about 9.00 A.M., as such there was not eye witness account available with regard to that incident.
- 2) as regards the second part of the incident in which ASI Avtar Singh Makkar is stated to have given beatings to the complainant and pulled his beard, hurting his religious sentiments, no date, time of the incident or place thereof had been mentioned by the complainant;
- 3) the complainant had not got the record summoned from Police Station Samrala, to prove that he had in fact submitted any application at the said Police Station on 13.10.2009 and only a photocopy thereof was placed on record as Mark A, which is inadmissible in evidence;
- 4) that the story put forward by the complainant is highly improbable lacking material facts;
- 5) that there is no medical evidence to support the ocular

version.

Feeling aggrieved by the said order, the petitioner has filed the present revision petition, notice of which was given to the respondents, who had put in appearance through counsel.

I have heard learned counsel for the petitioner, learned counsel for the respondents, besides going through the record.

I do not find any illegality or infirmity with the order under revision which might have called for interference by this Court, while exercising the revisional jurisdiction. It is well settled that scope of revisional jurisdiction of this Court is quite limited and the Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment/order under challenge. This is not the case here. The order can certainly be not termed as perverse or having been passed ignoring the settled principles of criminal law.

There is no merit in the revision petition and the same stands dismissed.

14.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes/ No

Whether reportable Yes/ No