

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No.642 of 2015 (O&M)

Date of decision : 14.05.2018

Sandeep Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Karanjit Singh, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

The petitioners have preferred the instant petition under Section 401 Cr.P.C., against the order dated 28.11.2014, passed by the learned Addl. Sessions Judge, Tarn Taran, vide which they have been summoned to face trial in case FIR No.155 dated 09.06.2012, registered under Sections 302, 326, 325, 324, 323, 148, 149 IPC at Police Station Patti, on an application under Section 319 Cr.P.C.

Briefly stated, it is a case of the prosecution that on 06.06.2012, at about 2:30 p.m., Harjit Singh, Nishan Singh, Surta Singh, Dalvir Singh, Gurmeet Singh and Joga Singh were present in their field. In the meanwhile, Narinder Kaur, Shamsher Singh, Mandeep Singh and Billa armed with '*kirpan*', Jaswant Singh armed with '*dattar*', Gurcharan Singh alias Chenchal empty handed, Gopi armed with '*dang*' alongwith other persons came there. Gurcharan Singh alias Chenchal exhorted his companions to teach a lesson to the complainant party for constructing

boundary line in the field. Then Shamsheer Singh inflicted a *kirpan* blow on the person of complainant Harjit Singh which hit on his left wrist; Billa also inflicted a '*kirpan*' blow to him which hit on his left scapula, Gopi inflicted three '*danda*' blows which hit on the left side of the head, right shoulder and left tooth of complainant. The complainant raised alarm. Then abovesaid persons inflicted severe blows to complainant Harjit Singh, Dalbir Singh, Surta Singh, Joga Singh, Nishan Singh and Gurmeet Singh with their respective weapons.

Petitioners' names are specifically mentioned in the FIR, being present at the spot armed with deadly weapons. However, during investigation, the Station House Officer, Police Station Patti found the eye witness account to be doubtful solely on the basis of his secret and open inquiry. He disbelieved this version. He submitted his report (Annexure P-3) as under:-

“From my till date secret and open inquiry this matter has come to light that Jarnail Singh son of Kartar Singh-Jat Rana Kalan and his son Sandeep Singh, in the above case at the time of quarrel were not present, because their name in the statement of complainant are not clear and their names have only been got registered in the case due to relation of his son with the accused. The statements of the respectable persons have been recorded, which are enclosed with the zimni. Therefore, I, declare Jarnail Singh and Sandeep Singh above said innocent in the case and direct the investigation officer SI Ravinder Singh that by bringing the true facts of the case, the rightful accused be arrest at the earliest, after completing inquiry, challan be submitted in the court. I alongwith employee have come present.”

I have heard learned counsel for the parties and have gone through the record.

Learned counsel for the petitioners has vehemently contended that in the inquiry conducted by SHO, Police Station, Patti, the version of the complainant was found to be false and the petitioners were declared innocent. Learned Addl. Sessions Judge, Tarn Taran failed to appreciate this fact and wrongly ordered to summon the petitioners vide impugned order dated 28.11.2014 (Annexure P-1).

Learned counsel for the petitioners has also placed reliance upon the judgment of Hon'ble Supreme Court in *Hardeep Singh vs. State of Punjab and others 2014 (1) ADJ 727* and prays to set aside the impugned order.

This Court has given thoroughful consideration to the rival contentions.

The names of the petitioners are very well mentioned in the FIR. It is immaterial whether they inflicted injuries or not but they participated in the attack on the complainant party while armed with deadly weapons.

The so-called inquiry conducted by SHO, Police Station Patti, is contrary to law and facts and is a farcical observation which is without any basis. This observation made in the case diary, copy whereof has been placed on record as Annexure P-3, the SHO has simply stated that on his secret and open inquiry, it has come to notice that Jarnail Singh and his son Sandeep Singh were innocent but such an inquiry is not acceptable being based upon mere conjectures and surmises.

After going through the entire evidence available on the record, this Court is of the considered opinion that the impugned order does not suffer from any illegality, infirmity or irregularity and the same does

not call for any interference and is hereby affirmed.

However, law laid down in *Hardeep Singh's case (supra)* does not provide any help to the case of the petitioners. In the case in hand, there is ample material available on the record to summon the petitioners as accused.

Therefore, the instant petition being devoid of any merit is dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

14.05.2018
mamta-M

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No