

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR-2505-2017

Date of decision:- 25.4.2018

Lakhwinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.P.S. Ahluwalia, Advocate for the petitioners.

Mr.Ramandeep Sandhu, Sr.D.A.G., Punjab.

Mr.A.S. Rai, Advocate
for the respondent No.2/complainant.

H.S. MADAAN, J.

Briefly stated, facts of the case as per prosecution story are that FIR in this case was registered on the basis of statement of complainant Khem Singh son of Amar Singh, belonging to Jatt community, resident of village Fateh Majri, Police Station Sadar, Samana,

District Patiala, which he made to the police on 17.11.2016, contending therein that he happens to be Sarpanch of village Fateh Majri and he had taken 1 killa of land each from Prabhjot Kaur and Harvinder Kaur, daughters of Hari Singh, residents of that very village and had sown chari crop therein; that he had gone to those fields just to have a round; that on the said day at about 1:00 p.m. Gursewak Singh armed with a 12 bore gun, Jasvir Singh with iron rod, Lakhwinder Singh with an iron rod, Randhir Singh, Gurjit Singh, Gurvinder Singh armed with a gandasa, Soni armed with an iron rod, Hadev Singh, Gurpreet Singh, Amarjit Singh @ Ambi and Darshan Singh with a 12 bore gun, Gurmeet Singh armed with an iron rod, Amandeep Singh, Kulwinder Singh came there on motorcycle and in a jeep. Gursewak Singh raised a lalkara that complainant should not go scot free on that day and he should be caught hold of. Gurvinder Singh gave a gandasa blow from its reverse side hitting the complainant on head with the result he fell down. Gurjit Singh caught hold of complainant from his left arm and Hardev Singh from right arm, Amandeep Singh and Kulwinder Singh from his left leg and Gurpreet Singh and Amarjit Singh @ Ambi from right leg. Then Gursewak Singh broke left arm of the complainant by hitting him with his hand held gun's butt, whereas Darshan Singh broke his right arm by hitting it with his hand held gun's butt. Gurmeet Singh with his hand held iron rod had broken his right leg, Soni had broken his left leg with iron rod. Jasvir Singh had attacked with an iron rod hitting him on his shoulder, whereas Sukhwinder Singh had attacked with an iron rod on his left upper arm. Randhir Singh caught hold of the complainant from his hair, then complainant raised an alarm. Jasvir

Singh, who had been living with the complainant was also surrounded and caused injuries. When complainant tried to make a call from his mobile phone with his right hand, Gursewak Singh @ Mithu snatched 5 tola gold kara, which he was wearing on his right hand. On arrival of Randhir Singh, a brother of the complainant, besides Pal Singh, Anup Singh, at the spot all the accused left that place alongwith their respective weapons. The motive for the incident was that complainant had been pursuing land related cases of Prabhjot Kaur and Harvinder Kaur, which left the accused aggrieved and for that reason they had caused injuries to the complainant. The complainant was taken to the Civil Hospital, Samana, where he was got admitted. The accused were arrested in this case. After completion of investigation and other formalities only Satnam Singh, Kaka Singh, Gursewak Singh @ Mithu, Soni Singh, Darshan Singh and Jasbir Singh were sent up to face trial, whereas names of ten other accused, namely, Lakhwinder Singh, Randhir Singh, Gurjit Singh, Gurwinder Singh, Hardev Singh, Gurpreet Singh, Amarjit Singh @ Ambi, Gurmeet Singh, Amandeep Singh and Gurwinder Singh were kept in column No.2. The Area Magistrate in whose Court the challan had been filed had committed the case to the Court of Sessions from where, it was assigned to Additional Sessions Judge, Patiala, who framed formal charge against six accused, who sent up to face trial. Thereafter, on an application under Section 193 Cr.P.C. filed by the prosecution, learned Additional Sessions Judge, Patiala vide impugned order dated 6.6.2017 summoned all the ten accused, whose names appeared in column No.2 of final report under Section 173 Cr.P.C.

Such petitioners are aggrieved by the said order and have filed the present revision petition praying that order being not sustainable be set aside.

Notice of the petition was issued to the respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record and I find that the trial Court has by properly exercising powers under Section 193 Cr.P.C. has summoned the persons, whose names find mention in column No.2 as additional accused to face trial, which could be done in terms of the authority **Dharam Pal and others Versus State of Haryana another, 2013(3) R.C.R.(Criminal) 787,** which has been mentioned in the impugned order itself. In my considered view merely for the reason that charge has been framed against the accused, who had been challaned would not come in the way of summoning the other accused not challaned by the police when the Court found sufficient material available before it calling for their so summoning. The law is well settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment/order passed by a Court below or the same is perverse. Merely because another view in the matter is possible, no inference with such judgment is to be done.

In the present case, I do not find any such illegality or infirmity with the impugned order much less apparent on the face of it. The order is certainly not in violation of settled principles of criminal jurisprudence. I do not see any reason to upset the impugned order.

Therefore, revision petition challenging that order cannot survive and is dismissed accordingly.

25.4.2018

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No