

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

CRR-3956-2017

Date of decision:- 21.3.2018

Sunil @ Silla

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.R.S. Mamli, Advocate
for the petitioner.

H.S. MADAAN, J.

This revision petition is directed against the order dated 9.8.2017 passed by the Court of learned Sessions Judge, Kaithal vide which he had summoned petitioner – Sunil @ Silla as an additional accused under Section 319 Cr.P.C. to face trial along with the accused already facing trial.

Such petitioner – Sunil @ Silla prayed that the revision petition be accepted and the impugned order be set aside.

Briefly stated, facts of the case as per prosecution story are that on 27.11.2016 at 8:30 p.m. when complainant Ankur Moudgil along with his father Roshan Lal had gone to the market of Sector 20 HUDA,

Kaithal, then Abhishek a friend of complainant Ankur Moudgil was being beaten up by four boys; that the complainant intervened to rescue Abhishek, then Himanshu caught hold of complainant, whereas accused Manjeet alias Gullu hit the complainant in the chest with a SUA (poker); that Silla son of Prem gave slaps and fist blows to the complainant; that on alarm being raised by the complainant, his father and Abhishek, several people gathered; that along with the assailants one young boy was there who had also given slaps and fist blows; that the assailants were four in number, who had then ran away from the spot giving threats; that the injured were admitted to Shah Hospital, Kaithal and got admitted there. On the basis of statement of complainant, the formal FIR was registered. The matter was investigated.

On 9.12.2016, injury on the person of complainant was declared to be dangerous to life. Accused Manjeet @ Gullu was arrested on 19.12.2016, who got recovered a SUA from his possession. He had got demarcated the place of occurrence. Accused Himanshu @ Mukul also did so. Accused Sunil @ Silla could not be arrested. Report under Section 173 Cr.P.C. was filed against Himanshu @ Mukul before Juvenile Justice Board, Kaithal. Challan was filed in the Court against Manjeet @ Gullu accused and then the case was committed to the Court of Sessions. Formal charge for the offences under Sections 307, 323 and 506 read with Section 34 IPC was framed, to which, accused pleaded not guilty and claimed trial. During trial, statement of complainant Ankur Moudgil was recorded as PW1 and then application under Section 319 Cr.P.C. was filed for summoning of Sunil alias Silla as an additional accused, which was

allowed by learned Sessions Judge, Kaithal vide order dated 9.8.2017.

Petitioner/accused Sunil alias Silla has knocked at the door of this Court by way of filing the present petition.

I have heard learned counsel for the petitioner besides going through the record and I find that there is no merit in the revision petition.

The petitioner is specifically named in the FIR. During the course of investigation, he could not be arrested and it is not that was found to be innocent. The complainant appearing as PW1 has specifically named him as one of the assailants, as such, on application under Section 319 Cr.P.C. having been filed, he was ordered to be summoned.

In view of the above discussion, no infirmity or illegality in the impugned order is found to be there which might have warranted interference by this Court. As regards the authorities referred to by learned counsel for the petitioner i.e. **Maninder Kaur Versus State of Haryana and others, 2016(5) R.C.R.(Criminal) 11** and **Nirmala Versus State of Haryana and others, 2016(5) R.C.R.(Criminal) 3**, those do not find application to the present case due to different facts and circumstances and the context in which such observations have been made. Resultantly, the revision petition stands dismissed.

Copy of the order be sent to the trial Court for information and necessary action.

21.3.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No