

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

**Criminal Revision No.608 of 2018 (O&M)
Date of Decision : 21.02.2018**

Dharamvir and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Shalender Mohan, Advocate
for the petitioners.

RAJ SHEKHAR ATTRI, J. (Oral)

Challenge in the instant petition is to the order dated 19.01.2018, passed by the learned Addl. Sessions Judge, Hisar, vide which the application moved by the prosecution under Section 319 Cr.P.C. for summoning the petitioners Aman, Dharambir, Manjit and Ram Kishan as accused, has been allowed.

Briefly stated, it is a case of prosecution that on 09.06.2016 at about 11:30 p.m., complainant Surender was present on duty as a watchman. In the meanwhile, Aman son of Dharambir armed with iron rod came there and inflicted a blow on the leg of the complainant. Then Raman, who was having wooden *binda* inflicted a blow on the arm of complainant. Thereafter, Manjit son of Ram Kishan, who was also having binda inflicted a blow with the said binda on the leg of complainant. Then all of them assaulted the complainant and inflicted fist blows. In the

meanwhile, Dharambir and Ram Kishan armed with sticks (lathies) came there and inflicted lathi blows on the leg of complainant and abused him by passing caste remarks. to him. Complainant raised noise which attracted Shakti Singh and some other persons and they came at the spot. On seeing them, all the accused persons ran away from the spot alongwith their respective weapons. On the statement of complainant, FIR was registered. However, police indulged in conducting an inquiry through Deputy Superintendent of Police, City Hisar, who declared Aman son of Dharamvir, Manjit Singh son of Ram Kishan, Dharamvir son of Nihal Singh and Ram Kishan son of Ram Partap as innocent. Therefore, challan was submitted only against Manjit Singh son of Ram Kumar and Raman son of Dharambir. However, on the application under Section 319 Cr.P.C., moved by the prosecution, they have been summoned vide impugned order dated 19.01.2018, passed by the learned Addl. Sessions Judge, Hisar.

The inquiry report submitted by the Deputy Superintendent of Police, was also forwarded to Superintendent of Police who endorsed the same.

Learned counsel for the petitioner has vehemently contended that the Deputy Superintendent of Police conducted thorough inquiry and found that the petitioners were not at the spot at the time of occurrence, therefore, he had declared them innocent but learned Addl. Sessions Judge, failed to rely upon this report. He 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

This Court has given thoughtful consideration to the rival contentions.

In the case in hand, a bare perusal of the FIR as well as the statement of PW1 Dr. Tarun Sapra establishes a prima facie case to summon the petitioners as accused. However, petitioners are at liberty to take any defence available to them during the trial.

In view of my aforesaid discussion, no case to intervene in the impugned order is made out.

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.

Accordingly, the instant petition stands dismissed.

21.02.2018
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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No