

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

**CRM No.M-2803 of 2017 (O&M)
Date of Decision: January 30, 2019**

Krishna

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Aditya Sanghi, Advocate
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana
for the respondent-State.

Mr.Ajay Vijarania, Advocate
for respondents No.2 to 4.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of Punjab for quashing of order dated 02.06.2015 passed by learned Sub Divisional Judicial Magistrate, Loharu, vide which the application under Section 319 Cr.P.C. filed by the petitioner-complainant was dismissed as well as judgment dated 12.10.2016 passed by learned Addl. Sessions Judge, Bhiwani, vide which the revision petition filed by the petitioner was also dismissed.

From the record, I find that petitioner filed application under Section 319 Cr.P.C. for summoning Rughbir, Surender, Ranbir, Pawan,

Ashwani Kumar, Leela alias Wazir and Raj Singh alias Rajbir. Rughbir has

already died.

At the very outset, it is pertinent to mention that on 30.01.2017, learned counsel for the petitioner suffered statement that he did not press the petition qua respondents No.5 to 7 i.e. Ashwani Kumar, Lila @ Vajir and Raj Singh @ Rajbir and this petition qua them was dismissed. Respondent No.1 is State of Haryana and respondents No.2 to 4 are Surender, Ranbir @ Ranvir and Pawan.

The complainant alleges that all these persons have been named by him in the FIR and also in the statement recorded before the Court, therefore, there is sufficient evidence and material on the file and specific role has been attributed to them and he prayed that these persons be summoned as additional accused. Learned SDJM, Loharu, vide impugned order dated 02.06.2015 dismissed the application. A revision was filed before the Court of Sessions and learned Addl. Sessions Judge, Bhiwani, vide impugned judgment dated 12.10.2016 dismissed the revision petition and upheld order dated 02.06.2015. Aggrieved from the above-said impugned order and judgment, present petition has been filed.

Notice of motion was issued. Learned State counsel as well as learned counsel respondents No.2 to 4 appeared and contested the petition.

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

From the perusal of the impugned order and judgment, I find that in no way, the findings can be held as perverse or against the evidence or law. Nothing has been pointed out as to what illegality has been committed by the Court while passing the impugned order and judgment.

given by other co-accused. Then, the main injuries upon the person of injured are complaint of pain. No dimensions of the injuries have been mentioned. There is one lacerated wound and one bruise. Already three accused are facing trial in the present case. Further, there is delay in recording the FIR.

The Courts below have rightly held that the power under Section 319 Cr.P.C. is extra ordinary power of the Court and it should not be used in routine manner. The police, after investigation, has found the above-said persons as innocent. Otherwise also, it looks unnatural in the facts and circumstances that so many persons armed with weapons, will cause such type of injuries. The delay in recording the FIR may have been used to implicate more persons. Moreover, there are only statements of the complainant etc. and these were already there at the time of investigation.

In view of the above discussion, I find that the impugned order and judgment passed by learned Courts below are correct, as per law and do not require any interference from this Court and no illegality has been committed while passing the same.

Therefore, finding no merit in the present petition, the same is dismissed.

However, nothing stated above, in any way, shall constitute my opinion on merits of the case. Whatever observations have been given above, are only for the disposal of the present petition.

January 30, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No