

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

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**CRM-M-38755 of 2014 (O&M)
Date of Decision: 16.01.2019.**

Arvind Kumar

....Petitioner.

Versus

State of Haryana and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Rajinder Singh Rana, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assitant Advocate General, Haryana.

Mr. Krishan Singh, Advocate
for respondent No.2.

Shekher Dhawan, J.

Present petition is challenge to the order dated 13.10.2014 passed by Additional Sessions Judge, Kurukshetra and order dated 04.10.2013 passed by Judicial Magistrate Ist Class, Kurukshetra, whereby the petitioner has been summoned under Section 319 Cr.P.C. and he was ordered to face trial under Sections 323 and 506 IPC along with co-accused.

Learned counsel for the petitioner contended that the petitioner was found innocent during investigation. More so, there was no injury caused to the complainant side and still the petitioner was ordered to be summoned.

Learned counsel for respondent No.2 opposed the contention raised by learned counsel for the petitioner, that the scope of Section 319 Cr.P.C. is not restricted to the scope of investigation only and both the Courts below have already considered all these facts and passed the order and there is no merit in the present petition.

Having considered the above submissions, this Court is of the considered view that learned Magistrate, Kurukshetra, while passing the order dated 04.10.2013 has considered the material and evidence including the fact that it had come in the statement of PW2-Satish Kumar that Anil as well as Arvind, the present petitioner came at the spot, who were duly armed with weapon and gave beatings to him. PW-3 Shingari Devi, mother of the complainant, while appearing in the witness box, has subsequently stated that Anil abused them and Arvind came at the spot and gave beatings to him. While relying on the statements of PW2 and PW3, learned Magistrate had passed the order by exercising the powers under Section 319 Cr.P.C. and there is absolutely no illegality in the said order passed by learned Magistrate which has already been affirmed by the Addl. Sessions Judge.

In view of the above, the present petition is without any merit and the same stands dismissed.

(SHEKHER DHAWAN)
JUDGE

16.01.2019
komal

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No