

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.4388-2016

DATE OF DECISION:-26.02.2019

PARMOD

...PETITIONER...

V.

KRISHAN AND ORS.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Rahul Vats, Advocate,
for the petitioner.

Mr. Surender Saini, Advocate,
for respondents No.1 to 6.

Mr. Ashok Muthreja, DAG, Haryana,
for respondent No.7-State.

RAMENDRA JAIN, J. (ORAL)

Complainant through this petition has laid challenge to order dated 20.10.2016, whereby application of the prosecution under Section 319 Cr.P.C. to summon Krishan, Sunil, Rajwanti, Rammehar, Naveen and Sunita as additional accused, was dismissed.

In nutshell, the petitioner as complainant got lodged FIR No. 456 dated 25.11.2015 under Sections 148, 323, 324, 325, 307/149 IPC, Police Station City Gohana, against 14 persons, on the allegations that on 25.11.2015, all the 14 assailants came to his field, armed with deadly weapons and caused injuries to his father Zile Sigh and two sisters namely

Kavita and Sarita with an intention to kill them. After completion of all

formalities, police filed final report under Section 173 (2) Cr.P.C. only against 8 persons, declaring remaining 6 as innocent by placing them in column No.2, who are facing trial under Sections 307, 325, 324 read with Section 149 IPC. The complainant after his examination as PW-1, immediately got moved an application under Section 319 Cr.P.C. for summoning of those 6 persons, who were declared innocent by the police as additional accused, which after contest has been dismissed vide impugned order dated 20.10.2016.

Learned counsel for the petitioner contends that all the 14 accused in furtherance of common intention and object came together and caused injuries to father of the petitioner Zile Singh and two sisters. The trial court has failed to appreciate that specific role was attributed to each of the accused, who have been sought to be summoned as additional accused.

On the other hand, learned counsel for the respondents refuting the above submissions, pleaded legality and validity of impugned order.

After giving thoughtful consideration to the rival submissions, this Court finds instant petition completely devoid of any merit for the reasons to follow:-

1. The story put forth by the petitioner may be concocted one to take revenge. It is unbelievable that 14 assailants would cause only two injuries to injured Zile Singh, who is father of petitioner. As per medical opinion, sister of the petitioner Kavita received only one injury

on her chin, whereas his another sister Sarita received single abrasion. Mother of the complainant also received 5 injuries, which were declared simple in nature, though, as per petitioner's version, all the accused were armed with deadly weapons.

2. It is a family dispute. Even, petitioner has booked his grandfather namely Chandan on account of some ancestral joint property, who is already facing trial. The above conduct of the petitioner shows that he is out and out to take revenge from all of his family members, whosoever, refuting his claim over the joint property.

I have gone through the impugned order and find no illegality and infirmity in the same. As such, the same is upheld and instant petition is dismissed.

26.02.2019

sonika

(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No