

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

140

CRM-M-37993-2019 (O&M)
Date of Order: 09.09.2019

Radhey Sham

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Singh, Advocate, for the petitioner.

ANIL KSHETARPAL, J(Oral)

Challenge is to the order passed by learned Additional Sessions Judge, dated 09.08.2019, accepting the revision petition against the order of summoning qua respondent no.3 and offences under some of the provisions of Indian Penal Code qua respondent no.2 have been ordered to be deleted.

The operative part of the order reads as under:-

“14. It is further pertinent to mention here that in the entire complaint there is the only allegation against accused no.3 Jaggan Nath police official is that he had not acted on the complaint of the complainant, but no sanction has been obtained from the competent authority qua accused No.3. As such without getting the sanction against the police official from the concerned department he should not have been summoned. Moreover, there is no clarity from the summoning order as to under which section he had been summoned. Hence, summoning order qua this

accused is hereby set aside.

15. *Keeping in view of my above discussion, this Court has reached on conclusion that the learned lower court had wrongly summoned the accused under Sections 307, 364, 386 & 397 of IPC. Consequently, this revision petition is partly allowed and the impugned order dated 14.06.2018 is partly set aside to the extent that accused no.1 cannot be summoned under Sections 307, 364, 386 & 3397 of IPC, however, learned trial Court shall proceed further qua other sections of IPC as per law. Accordingly, the original file of learned lower court which has been committed to this court be also returned for prosecuting the accused/revisionist Baldev Rana under remaining Sections. File be consigned to record room after due compliance.”*

Learned counsel for the petitioner, although, made sincere attempt, however, could not draw attention of the Court to any perversity or error in the conclusion drawn.

Hence, no ground is made out to interfere in the order dated 09.08.2019.

Dismissed.

September 09, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No