

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-21503-2014

Date of Decision: 22.02.2019

Sukhbir Singh

.... Petitioners

Versus

Ishwar Singh Boora

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. SK Verma, Advocate for the petitioner.

Mr. Devender Punia, Advocate for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., challenge has been laid to the judgment of Revisional Court dated 09.06.2014 (Annexure P-4), whereby it set aside the order of trial Court dated 17.12.2012 (Annexure P-2), summoning respondent-Ishwar Singh Boora, to face trial under Sections 323 and 506 IPC.

Briefly, petitioner filed a complaint against the respondent under Sections 323, 186, 190, 332, 352, 353, 355 and 506 IPC and Section 27 of the Arms Act, on the allegations that in the day time of 22.06.2012, while he was doing duty and plying Haryana Roadway Bus, the respondent on the revolver point threatened him with dire consequences and to leave his job, for not supporting him in strike. The petitioner in support of his complaint, examined himself as PW-1 and one

Balwan Singh (Taxi Driver) as PW-2. Considering the statements and the contents of complaint, the trial Court summoned the respondent to face trial under Sections 323 and 506 IPC vide order dated 17.12.2012 (Annexure P-2).

Being aggrieved, respondent-Ishwar Singh Boora, challenged the said order in revision. The Revisional Court, vide impugned order Annexure P-4, set aside the order of trial Court Annexure P-2, on the sole ground that the learned Magistrate, before summoning the respondent had not complied with the provisions of Section 202(1) Cr.P.C.

Heard.

Having given thoughtful consideration to the rival submissions, this Court finds the instant petition merits acceptance for the reasons that in **Vijay Dhanuka Etc. Vs. Najima Mamtaj Etc., 2014(3) RCR (Criminal)**, the Hon'ble Supreme Court, while discussing the provisions of Section 202 Cr.P.C., held that while conducting enquiry under Section 202 Cr.P.C., only statement of the complainant is necessary, so as to decide, as to whether or not, there is sufficient ground for proceeding against the accused.

Since, the facts of the instant case are fully covered by the aforesaid judgment in **Vijay Dhanuka's case (supra)**, therefore, the impugned judgment dated 09.06.2014 (Annexure P-4) is hereby set aside and the order of the trial Court dated 17.12.2012 (Annexure P-2) is upheld.

Parties are directed to appear before the trial Court on

06.03.2019, who shall proceed further against respondent-Ishwar Singh Boora, in accordance with law.

Disposed of.

February 22, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No