

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

**CRR-1606-2011 (O&M)
Date of Decision : 03.02.2020**

Chhota Singh Petitioner

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. Pawan Sharda, Senior DAG, Punjab.

Mr. Parminder Singh, Advocate
for the complainant.

RAMENDRA JAIN, J. (Oral)

Through this revision, petitioner-complainant has assailed order dated 02.07.2011 of the trial court, dismissing his application under Section 319 Cr.P.C., filed through prosecution for summoning two more persons namely Narpal Singh @ Bobby and Harpal Singh @ Pally, as additional accused.

Briefly, in the intervening night of 30/31.03.2010, three persons namely Jaspal Singh Jassi and Harpal Singh alias Palli armed with Dah and Nirmal Singh (Narpal Singh) alias Bobby having Ghop attacked two sons of complainant namely Jasvir Singh and Satnam Singh. On their medico legal examination, 21 injuries were found on the persons of Satnam Singh and Jasvir Singh, out of which 17-18 injuries were declared dangerous to life and 3-4 injuries were

grievous in nature. The police after concluding investigation filed final report under Section 173 (2) Cr.P.C. only against Jaspal Singh Jassi, declaring Narpal Singh @ Bobby and Harpal Singh @ Palli as innocent, to face trial under Sections 307 449, 326, 323, 324 IPC. He was charge sheeted accordingly.

Petitioner-complainant Chhota Singh appearing as PW1, specified the role of all the aforesaid three persons as assailants who caused injuries to his sons. Thereafter, the complainant through prosecution moved an application under Section 319 Cr.P.C. for summoning Narpal Singh alias Bobby and Harpal Singh alias Pally as additional accused to face trial alongwith their co-accused Jaspal Singh Jassi, already facing trial.

Trial court, after hearing both the sides, dismissed the said application vide impugned order dated 02.07.211.

Heard.

Having given thoughtful consideration to the rival submissions, this Court finds the instant revision petition merits acceptance for the reasons to follow.

A single person cannot cause 21 injuries to two persons, inasmuch as, if there would have been only one assailant, the injured could overpower him. Throughout, the petitioner-complainant and his sons, who happened to be eye witnesses in unambiguous and unequivocal terms in their statements named three persons namely Jaspal Singh Jassi, Harpal Singh alias Palli and Nirmal (Narpal Singh) alias Boby as assailants, who caused injuries to two sons of complainant. Thus, observation of investigating agency that

petitioner-complainant in his initial statement, named only one person as assailant, is completely false and manipulated. Learned trial court failed to appreciate the above factual aspects of the case and illegally dismissed the application of prosecution under Section 319 Cr.P.C.

In view of discussion made above, instant petition stands accepted. Impugned order dated 02.07.2011 is set aside. Application of prosecution under Section 319 Cr.P.C., summoning Harpal Singh alias Pally and Narpal Singh @ Bobby as additional accused, is allowed. Trial court is directed to summon them to face trial and proceed further in accordance with law.

03.02.2020
mamta

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No