

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

CRR-2848-2019 (O&M)

Date of Decision:- 18.2.2020

Harvir Singh @ Sahib Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sidhant Mehra, Advocate for the petitioners.

GURVINDER SINGH GILL, J.

CRM-2933-2020

The application seeking placing on record Annexure P-5 is allowed, as prayed for, subject to all just exceptions.

MAIN CASE

1. The petitioners have approached this Court challenging order dated 30.7.2019 vide which the learned Additional Sessions Judge, Hoshiarpur while partly accepting an application under Section 319 Cr.P.C. moved by prosecution, has ordered for summoning the petitioners Harvir Singh @ Sahib Singh and Harmanpreet Singh @ Harman Singh as additional accused.
2. A few facts necessary to notice for disposal of this petition are that FIR No.75 dated 1.5.2016 under Sections 302/342/120-B/148/149 IPC at Police Station Tanda, District Hoshiarpur was lodged at the instance of Manjit Singh wherein it has been alleged that he has two sons and his elder son

Lovepreet Singh is working as a Gym Trainer at Noida (Uttar Pradesh). On 30.4.2016, his elder son Lovepreet Singh after having dinner went out at about 9 p.m. while saying that he would be back within half an hour. However, at about 11:30 p.m. the complainant received a telephonic call wherein he was informed that Pritam Singh, his daughter-in-law Rajdeep Kaur wife of Didar Singh, Harjap Singh @ Sonu, Sahib and Harman Singh along with three unknown persons were giving beatings to complainant's son in the house of Pritam Singh. The complainant along with Amrik Singh went to the house of Pritam Singh where he saw that his son Lovepreet Singh had been thrown down in the lobby. Pritam Singh armed with a '*datar*', Harjap Singh @ Sonu armed with a '*stick*', Sahib armed with a '*wooden baton*', Harman Singh armed with a '*handle of spade*' and three unknown youths were inflicting injuries to his son while Rajdeep Kaur had caught hold of his son by his hair and was giving him slaps. When the complainant raised alarm, several other persons were attracted to the spot, upon which the assailants fled away with their respective weapons. The complainant further alleged that the motive for causing injuries to his son was that a few months back, Pritam Singh's daughter-in-law Rajdeep Kaur had left her matrimonial home and had started living with his son Lovepreet Singh but later with the intervention of the panchayat, she went back to her matrimonial home and that he strongly suspected that Pritam Singh's son Didar Singh, who is presently in Dubai, in collusion with his father Pritam Singh, his wife Rajdeep Kaur and his friends Harjap Singh @ Sonu, Sahib, Harman Singh and unknown persons had inflicted injuries to his son and had murdered him.

3. The matter was investigated by the police and upon conclusion of investigation, a challan was presented against Pritam Singh, Harjap Singh @ Sonu and Rajdeep Kaur while Sahib Singh @ Harvir Singh and Harman Singh @ Harmanpreet Singh were kept in column No.2.
4. After the prosecution had examined the complainant Manjit Singh as PW-1 and also PW-2 Ranjit Singh, an application was moved under Section 319 Cr.P.C. for summoning of Sahib Singh, Harman Singh, Didar Singh and Harvinder Kaur as additional accused which was allowed qua the petitioners Sahib Singh and Harman Singh while the same was declined qua Didar Singh and Harvinder Kaur.
5. The learned counsel for the petitioner has submitted that since the trial Court had not found the statement of PW-2 Ranjit Singh to be trustworthy and the observation have been made to the effect that he appears to be a 'created witness', there was no ground for accepting the application qua the present petitioners.
6. I have considered the aforesaid submission. A perusal of the FIR and also the statement of PW-1 Manjit Singh would show that he has specifically raised allegations in unambiguous terms qua the involvement of both the petitioners. The trial Court while examining the statement of complainant PW-1 Manjit Singh and also of PW-2 Ranjit Singh observed that while statement of PW-2 Ranjit Singh may not be trustworthy but statement of PW-1 Manjit Singh-complainant, who was present at the spot cannot be discarded casually. In any case, keeping in view the fact that it is not a case of inflicting of solitary injury but a case where apart from the injury on the head, there were multiple injuries on the arms and legs of the deceased and

while also noticing that the deceased was a Gym Trainer, it is evident that causing of a large number of injuries cannot be handy work of one or two persons only. In these circumstances, this Court does not find any reason to discard the testimony of the complainant PW-1 Manjit Singh at this stage, which is absolutely in terms of the first version, as recorded in the FIR qua the involvement of the petitioners.

7. Consequently, this Court does not find any infirmity in the impugned order insofar as the same pertains to summoning of the petitioners as additional accused with the aid of Section 319 Cr.P.C. There is no merit in this petition and the same is hereby dismissed.

18.2.2020

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No