

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

CRR-21-2021 (O&M)

Date of Decision: 13.01.2021

Mahender

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sumit Sangwan, Advocate,
for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court assailing order dated 09.12.2020 passed by the learned Additional Sessions Judge, Bhiwani, whereby an application filed by the petitioner/complainant duly forwarded by the Public Prosecutor under Section 319 Cr.P.C. for summoning respondent No.2 as an additional accused has been dismissed.
2. A few facts necessary to notice for disposal of this petition are that an FIR came to be lodged at the instance of Mahender, wherein it is alleged that on 19.01.2017, he was on 'rest' and that on the said day Ranjit, son of his uncle Rajender, met him at about 8:00 PM and asked him to sleep in his house. The complainant thereafter went to Ranjit's house and slept there. It is alleged that at about 12:00 PM, Krishan, Satta, Raja and Radha wife of Krishan came there and started giving beatings to Ranjit with the help of sticks. When the complainant tried to intervene, he was also inflicted kick blows and

was also given fist blows and the complainant being scared went out to call his uncle Jai Bhagwan. When the complainant returned, he could not find anyone there and could not find even Ranjit. It is alleged that later when Sube and Jai Bhagwan went to take fodder for the buffaloes, they found the dead body of Ranjit lying there.

3. The matter was investigated by the police during the course of which respondent No.2 was found innocent, whereas the other three accused were challaned.
4. Upon framing of charges against the accused, examination-in-chief of the complainant was recorded on 19.03.2018. On the same day, an application (Annexure P-4) under Section 319 Cr.P.C. was moved by the complainant seeking summoning of respondent No.2 as an additional accused. The said application was opposed by the accused, who filed a reply (Annexure P-5). The learned trial Court upon considering the submissions made before it dismissed the application filed under Section 319 Cr.P.C. vide order dated 09.12.2020, which has been impugned by way of filing the instant revision petition.
5. Learned counsel for the petitioner has submitted that since respondent No.2 is specifically named in the FIR and the complainant even in the witness-box has specifically stated regarding her presence alongwith the other accused and has also alleged that she had also given beatings to deceased Ranjit, there was no occasion for the police to reach to a conclusion that she is innocent and as such respondent No.2 ought to be summoned as an additional accused.

6. I have considered aforesaid submissions and have also gone through the petition including the FIR and the impugned order.
7. A perusal of the FIR would show that general allegations have been leveled against all the four accused to the extent that they had give beatings to Ranjit with the help of sticks. It is not uncommon that whenever any offence is committed, the aggrieved party makes an attempt to rope in the maximum number of accused especially laides from the opposite side so as to settle scores. In the instant case, when the complainant stepped into witness-box, he tried to improve the version by stating that respondent No.2 had given a slap to the complainant. The relevant extract from the cross-examination reads as follows:

“...Accused were remained there for about 5-10 minutes and they started beating us. When I tried to rescue Ranjit, firstly Radha slapped me then Krishan, Raja and Setha started beating us with their dandas and with their weapons. Only 2-3 dandas were blows upon me and after that I ran from there call my uncle (chacha) Jai Bhagwan.”

8. During the course of investigation, the police recorded the statements of several villagers and came to a conclusion that respondent No.2 was innocent.
9. Having regard to the factual position of the instant case and also the statement of the complainant, this Court does not find any infirmity in the impugned order and the same is hereby upheld. Consequently, the revision petition is dismissed.

13.01.2021

Vimal

(GURVINDER SINGH GILL)

JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**