

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120)

CRM-M-20499 of 2021 (O&M)

Date of Decision: 13.07.2021

Harinderjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Dinesh Kumar, Advocate, for the petitioner.
Mr. Ramdeep Partap Singh, AAG, Punjab.

Amol Rattan Singh, J. (Oral)

Case heard by way of video conference.

Pursuant to the order of this court dated July 02, 2021, this application (CRM no.20046 of 2021) has been filed seeking to place on record a copy of the FIR registered by the complainant therein.

No notice having been issued in the main petition, none is required to be issued in this application, which is consequently allowed and the copy of FIR no.64, dated 31.05.2016, registered at Police Station Khamano, Fatehgarh Sahib, alleging therein the commission of offences punishable under Sections 341, 323, 147 and 149 of the IPC, is ordered to be taken on record.

Main case

By this petition, the petitioner challenges the order of the learned trial court (SDJM, Khamanon), dated 18.07.2018, vide which the petitioner and one Gurmukh Singh have been summoned to face trial on an application filed by the complainant under the provisions of Section 319 of the Cr.P.C.

A perusal of the said application (Annexure P-1) shows that in fact the complainant sought from the trial court that 8 persons in all be summoned to face trial, but with the application having been allowed qua only two persons, i.e. the petitioner Harinderjit Singh and one Gurmukh Singh.

The reasoning given by the trial court is to the effect that though no reply was filed to the application, it was seen by that court that the prosecution had examined PW-1, PW-2 and PW-3, i.e. the Medical Officer who proved the injuries suffered by the complainant; the sister of the complainant (an eye witness); and the complainant himself (Gurdeep Singh), respectively.

It was further found by that court that even before the police PW-2 and PW-3 had raised specific allegations against the petitioner and Gurmukh Singh and other accused, with Kamaljit Kaur in her testimony having stated that the petitioner was holding a *danda* with which he inflicted a blow on her right shoulder and with Gurmukh Singh also having given a *danda* blow on her back.

The said injuries were found to have been corroborated from the testimony of the medical officer also, who had proved the MLR.

Similarly, the complainant had also leveled specific allegations against the petitioner even in his testimony. Hence, finding that the petitioner and Gurmukh Singh had been kept in column no.2 by the police despite a specific role attributed to them, the application under Section 319

of the Cr.P.C. was allowed qua both of them, though it was dismissed qua the other 6 persons sought to be summoned vide the same provision.

Learned counsel for the petitioner submits that though, in the initial part of the FIR, the petitioner has been named as Harwinderjit Singh, thereafter, while describing the injuries being attributed to him, the complainant stated that one of the injuries had been inflicted by “Harwinderjit Singh” on the right side of his chest, and thereafter Harwinder Singh gave a *sota* blow on his back.

He therefore submits that the petitioner being Harinderjit Singh, the FIR does not reveal that the petitioner had actually inflicted any injury on the complainant.

Having perused the FIR, it is very clear that the petitioner undoubtedly has been referred to as Harinderjit Singh son of Nachhattar Singh in the first part thereof, but as Harwinderjit Singh in the part where he is actually shown to have inflicted a *danda* blow on the chest of the complainant (as alleged). Thereafter, as noticed hereinabove, one Harwinder Singh gave a *sota* blow on the back of the complainant.

A perusal of the application filed under the provisions of Section 319 of the Cr.P.C. before the trial court (copy Annexure P-1), shows that the petitioner has been shown to be Harinderjit Singh son of Nachhattar Singh, with Harwinder Singh son of Mohan Singh also sought to be summoned as an accused.

Consequently, simply because in the latter part of the FIR the petitioner has been shown to be Harwinderjit Singh, with simply a 'w/v' having been added as a typographical error, there cannot be, at this stage at least, any doubt expressed by this court on the identification of two different persons with a somewhat similar name, by the complainant.

That being so, looking at the entire circumstances of the case, including the FIR and the testimonies of the three witnesses described in the impugned order, I find absolutely no ground to interfere with the impugned order.

Consequently, the present petition is dismissed.

However, naturally, nothing stated hereinabove shall be taken to be an observation on the merits of the case by this court, all observations herein above having been made only in the context of an application filed under Section 319 of the Cr.P.C. and the order passed by the trial court thereon.

13.07.2021

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(AMOL RATTAN SINGH)

JUDGE

Whether speaking/reasoned : Yes

Whether Reportable : No