

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 100 of 2021 (O&M)

Date of decision : 9.2.2021

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Bal Kishan

.....Petitioner

vs.

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. R.D. Yadav, Advocate for the petitioner.

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H. S. Madaan, J.

Case taken up through video conferencing.

Feeling aggrieved by the order dated 29.1.2020, passed by Additional Sessions Judge, Jind, dismissing the application under Section 319 Cr.P.C., filed by the complainant for summoning of Rajender son of Ram Kishan, Amit son of Rajender, Raj Kumar @ Kala son of Ram Kishan and Mangal son of Raj Kumar, as additional accused, the complainant has come to this Court by way of filing the present criminal revision petition, praying that the impugned order be set aside and the application in question be allowed.

I have heard learned counsel for the petitioner, besides going through the record.

FIR No. 196 dated 28.10.2017, for offences under Sections 148, 149, 302 and 323 IPC, was registered at Police Station Pillu

Khera, on the basis of application of complainant Bal Kishan son of Puran Chand, resident of Kharak Gagar, wherein he reported that on 28.10.2017, at about 8.00 A.M. while he alongwith his father Puran Chand, his elder son Ritesh and younger son Sunny and brother Dinesh, had gone to their fields for agricultural work, then Rajender son of Ram Kishan, Kala son of Ram Kishan, Ankit son of Subhashm, Amit son of Mahabir, Monu son of Roshan, Sonu son of Roshan, Sushil son of Sukhdev, Satyawar son of Sukhdev, Aman son of Rajender, Mangal son of Kala, armed with *gandasis*, trespassed in fields of the complainant and inflicted injuries to Puran Chand - father, as well as Ritesh and Sunny - sons and Dinesh - brother of the complainant. The injured were moved to Government Hospital, Jind, from where they were referred to PGI, Rohtak. Puran Chand succumbed to the injuries at PGI Rohtak, whereas other injured were treated and medico legally examined. The motive for the incident was dispute regarding Canal water channel, between the parties.

After registration of the FIR, investigation in the case started. Accused - Deepak son of Raj Kumar, Satyawar son of Sukhdev, Sushil son of Sukhdev, Sonu son of Roshan, Ankit son of Subhash, Amit son of Mahabir, Monu son of Roshan and Aman son of Rajender were arrested in this case and they were challaned and sent up to face trial, whereas the remaining persons named in the FIR namely, Rajender son of Ram Kishan, Amit son of Rajender, Raj Kumar @ Kala son of Ram Kishan and Mangal son of Raj Kumar, were found to be innocent and were not challaned.

After presentation of challan in the Court of Magistrate and after commitment, trial started in the Court of Additional Sessions Judge, Jind, who had framed charge against the accused and recorded statement of PW-1 Bal Kishan. Thereafter, an application under Section 319 Cr.P.C. for summoning of additional accused, was moved on behalf of the complainant, duly forwarded by the Public Prosecutor, for the State. However, the same was dismissed by the learned Additional Sessions Judge, Jind, vide impugned order, which left the complainant aggrieved and he has come up with the present revision petition.

However, I find that the impugned order is quite detailed and well reasoned. The settled law on the subject has been discussed by making reference to the relevant judgments. The concluding part of the order is to the following effect :-

“11. The perusal of the testimony of PW1 Bal Kishan shows that no specific role has been attributed to Rajender son of Ram Kishan, Amit son of Rajender, Raj Kumar @ Kala son of Ram Kishan and Mangal son of Raj Kumar. Even he has not stated as to what specific weapon they were carrying. There are only general allegations against accused Rajender son of Ram Kishan, Amit son of Rajender, Raj Kumar @ Kala son of Ram Kishan and Mangal son of Raj Kumar that they alongwith accused facing trial had also came at the spot and

caused injuries to them. Even as per PW1 Bal Kishan, they were having enmity with Rajender son of Ram Kishan and Satyawar son of Sukhdev due to canal water course and there is general tendency in the village to implicate all the family members in criminal case. So there is no compelling reasons or extra ordinary circumstances to summon Rajender son of Ram Kishan, Amit son of Rajender, Raj Kumar @ Kala son of Ram Kishan and Mangal son of Raj Kumar as additional accused to face trial alongwith the accused already facing trial.

In view of the above discussion, the application moved by the complainant duly forwarded by Public Prosecutor for the State is found to be devoid of merit and is hereby dismissed.”

The Court has exercised the jurisdiction in a proper and appropriate manner without there being any element of arbitrariness or perversity. The order does not suffer from any illegality or infirmity, which might have called for interference by this Court, by exercising the revisional jurisdiction. Therefore, I do not find any merit in the present petition and the same stands dismissed.

9.2.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes/ No
Yes/ No