

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7704-2022 (O&M)
Date of Decision:-11.7.2022

Ashok Kumar and others ... Petitioners

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shekhar Verma, Advocate,
for the petitioners.

Mr. Krishan K. Chahal, Addl.A.G., Haryana.

Mr. Jastej Singh, Advocate,
for respondent No.2.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners assail order dated 25.1.2022 (Annexure P-14) passed by learned Judicial Magistrate 1st Class, Shahbad, District Kurukshetra vide which learned JMIC ordered for commitment of the case arising out of criminal complaint bearing No.COMI-26 of 2017 titled 'Dharam Raj Versus Raghbir Singh etc.'.
2. A few facts necessary to notice for disposal of this petition are that the petitioners are arrayed as accused in complaint bearing No.COMI-26 of 2017, which is a cross-version of the case arising out of FIR No.246 dated

20.12.2016, registered at Police Station Babain, District Kurukshetra, under Sections 323, 307, 427, 452, 506, 148 and 149 of Indian Penal Code, the trial in respect of which is presently pending in the Court of learned Additional Sessions Judge, Kurukshetra and which is now stated to be fixed for 2.9.2021 for recording defence evidence. The petitioners were summoned for offence under Sections 323, 325 read with 34 of Indian Penal Code by the Court of learned Judicial Magistrate 1st Class, Shahabad vide order dated 9.9.2021 (Annexure P-8) and thereafter vide impugned order dated 25.1.2022 (Annexure P-14), the complaint case was committed to Court of Sessions.

3. I have heard learned counsel for the petitioners.
4. Since the present case arising out of complaint is a case of cross-version of the other case i.e. FIR No.246 dated 20.12.2016 registered at Police Station Babain, District Kurukshetra, under Sections 323, 307, 427, 452, 506, 148 and 149 of Indian Penal Code, which is triable by Court of Sessions and infact the said trial is already pending in the Court of Sessions, therefore, the present complaint, even though for offences triable by a Magistrate, was essentially required to be tried alongwith the case arising out of FIR, wherein offence under Section 307 IPC is also there. As such, the Trial Court upon having summoned the accused in the complaint case, was perfectly justified in passing a commitment order, so that the trial arising of the complaint case can also be tried alongwith the cross-case, which is pending before the Court of Sessions.
5. Still further this Court finds that subsequent to passing of the commitment order, the Court of Sessions proceeded to frame charges on 8.3.2022 in the complaint case. The petitioners assailed order dated 8.3.2022 passed by

learned Additional Sessions Judge, Kurukshetra, vide which the Trial Court (Court of Sessions) had ordered for framing of charges against them, by way of filing CRM-M-13635 of 2022 but the said petition was dismissed by this Court by passing a speaking order on 7.4.2022.

6. In view of the aforestated position, this Court does not find any ground to interfere with the commitment order dated 25.1.2022 (Annexure P-14) and the same is upheld. The petition is sans merit and is hereby dismissed.
7. Since it has been informed that the trial arising out of FIR is virtually at its fag end inasmuch the entire prosecution evidence has been recorded, the Trial Court is directed to take necessary steps for recording evidence arising out of the complaint case at the earliest, so that both the cases are disposed of expeditiously. The complainant is directed to produce all the witnesses on the dates as may be fixed by the Trial Court.

11.7.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No