

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

Criminal Revision No.426 of 2022(O&M)

Date of Decision: July 26, 2022

Harpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Arnab Sood, Advocate for the petitioner.

Mr.B.S.Sewak, Addl.AG, Punjab.

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HARINDER SINGH SIDHU, J.

This petition has been filed assailing the order dated 31.08.2021 of the Ld. Additional Sessions Judge, Hoshiarpur, whereby, application under Section 319 CrPC filed by the prosecution has been allowed and the petitioner summoned to face trial in case FIR No.139 dated 16.09.2016 under Section 308, 323, 325, 341, 506, 148, 149 IPC, Police Station Dasuya, District Hoshiarpur

The FIR has been registered on the statement of Kashmir Singh – respondent No.2, who stated that on 14.09.2016 he along with Daljit Singh r/o Village Behbohwal Chhanian had gone to Dasuya on his motorcycle in connection with some personal work. After finishing the work, he along with his companion was going to his village on the motorcycle. He was driving the motorcycle. Daljit Singh was sitting behind him. When they reached Bus Stand Ghogra, they saw Mohinder Singh and his son Bhupinder

Singh standing there. On seeing the complainant, they started following them on their motorcycle. When the complainant reached Dollowal turning, they saw a white coloured car parked there. Harcharan Singh was standing outside the car. His son Ranbir Singh was sitting on the driver seat. They followed the motorcycle of the petitioner in their car. At about 8.00 AM, they reached Badhla turning point. Devender Singh, Lakhwinder Singh, Shelly, Pamma residents of Babowal Chanian, who were armed with rods, handles of spades and sticks were standing there. Ranbir Singh hit the back of the car against the motorcycle of the complainant and knocked it down. Harcharan Singh, Ranbir Singh, Harpreet Singh (petitioner), Satwinder Singh all residents of village Babowal Channian, armed with baseballs and sticks came out of the car. Harcharan Singh raised a *lalkara* that the complainant and his companion should not escape and that they be taught a lesson for becoming Sarpanch. Thereupon, all the assailants with their respective weapons attacked the complainant and Daljit Singh with an intention to kill. They inflicted injuries resulting in fracture of both arms and legs of the complainant. They also caused latent injuries on his person. Daljit Singh was also inflicted injuries on his head, legs, arms and hands. The complainant and Daljit Singh raised alarm, whereupon, number of persons gathered there and the assailants ran away with their respective weapons. The complainant and Daljit Singh were taken to Civil Hospital, Dasuya by Mahender Singh, brother of the complainant. From there, in view of their serious condition, they were referred to DMC, Ludhiana.

The cause of dispute was stated to be that Harcharan Singh had

contested the election of Sarpanch against the wife of the complainant Jaspreet Kaur. Harcharan Singh had lost the election. Jaspreet Kaur had become the Sarpanch. Harcharan Singh had also been nursing a grudge against the complainant in connection with auction of Panchayat land.

After completion of investigation, challan was presented against Ranvir Singh, Harcharan Singh @ Channa, Davinder Singh, Bhupender Singh, Satnam Singh, Lakhwinder Singh, Lovpreet Singh, Pawanjeet Singh @ Pamma and Mahender Singh. The name of the petitioner was placed in Column No.2.

Kashmir Singh – complainant was examined as PW1 on 20.07.2019. He fully supported the prosecution case and specifically mentioned that Harpreet Singh was one of the assailants. He stated that the (petitioner) was armed with a *danda* and caused injury on the bicep of the right arm of the complainant. Thereafter application under Section 319 CrPC for summoning the petitioner was filed which has been allowed vide the impugned order.

Ld. counsel for the petitioner has assailed the order arguing that the petitioner has been falsely implicated. He was found innocent during investigation. In the FIR, no specific injury has been attributed to the petitioner by the complainant. But while deposing in Court as PW1, the complainant has stated that the petitioner had given a *dang* blow on the bicep of the right arm of the complainant. The complainant has thus, improved his statement in the FIR to implicate the petitioner. He argued that there are no justifiable reasons to summon the petitioner.

It is not possible to accept the contention of Ld. counsel.

As per FIR the incident had taken place around 8.00 AM on 14.09.2016. The same day, information was received at the Police Station from Civil Hospital, Dasuya regarding the admission of injured Daljit Singh and Kashmir Singh and that they were being referred to DMC Hospital, Ludhiana in view of their serious condition. On receiving this information, ASI Chanchal Singh along with HC Jasbir Singh, HC Devender Singh reached the Emergency Ward of DMC Hospital, Ludhiana. The doctor declared both the injured as being 'unfit' to record their statements. The next day i.e., on 15.09.2016 also the statements of the injured could not be recorded as they had been operated upon that day. It was only on 16.09.2016 that the statements could be recorded after the doctor opined that both the injured were 'fit' to get their statements recorded. Kashmir Singh then got his statement recorded. He appended his left thumb impression on the statement as he could not sign because his right hand had been injured and there was a dressing on it.

Kashmir Singh has suffered five injuries. Daljit Singh has suffered eight injuries. Injury No.1, 2 and 5 suffered by Kashmir Singh were declared to be grievous in nature and Injury No.3 and 4 were simple. All the injuries suffered by him were collectively declared to be dangerous to life. Injuries No.1, 4, 5 and 7 suffered by Daljit Singh were found to be grievous. Injury No.2, 3, 6 and 8 were found to be simple.

In the FIR, the complainant has specifically named the petitioner stating that he had alighted from the car along with Harcharan

Singh, Ranbir Singh, and Satwinder Singh. He stated that they were armed with baseball bats and *dandas*. All four of them along with Devender Singh, Lakhwinder Singh, Shelly, Pamma residents of Babowal Chanian, who were already standing at the crossing armed with rods, handles of spades inflicted injuries to the complainant and Daljit Singh. While deposing as PW1, the complainant has detailed the specific injury inflicted by each accused. He stated that Harcharan Singh and Dale Singh gave one blow each of *dangs* which hit on his right leg below the knee on front side on the bone. Ranbir Singh and Mohinder Singh caused one blow each of *dang* which hit on his left leg below the knee on the front side of the bone. Satwinder Singh gave a *dang* blow which hit him below the left knee on the front side. Pamma s/o Lakhwinder Singh caused *dang* blow which hit on the elbow of his left arm. Harpreet Singh (petitioner) gave the *dang* blow on the bicep of the right arm. Assailants also caused injuries to Daljit Singh on his head, on both the legs and both the arms.

As per the reply by way of affidavit of Ranjit Singh, PPS Deputy Superintendent of Police, Sub-Division Dasuya during investigation the statements of Bhupinder Singh, Malo Singh, Anookh Singh, Balwinder Singh, Surjit Kaur, Satnam Singh and Nishan Singh residents of Village Behbowal Channian were recorded. They stated that on 14.09.2016 (*wrongly typed as 2017 in reply*) at 8.00 AM the petitioner Harpreet Singh, his father Jasbir Singh and brother Paramjit Singh were ploughing their fields with their tractor. They stated that the petitioner had been implicated in the case due to party faction as the petitioner did not vote for the complainant in the

Panchayat election. Based on these statements the petitioner was found innocent.

Be that as it may, the fact of the matter is that the petitioner has been named in the statement of complainant Kashmir recorded on 16.04.2016 just after he was declared fit to record his statement. He has also been named when the complainant was examined as PW1. He is alleged to have alighted from the car along with Harcharan Singh, Ranvir Singh and Satwinder Singh. They were armed with base ball, bats and *dandas*. He is alleged to have caused injuries to the complainant.

In the light of this there does not appear to be any infirmity in the impugned order.

Revision dismissed.

July 26, 2022

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No