

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-885-2023

Date of decision: 18.04.2023

SANAMPREET SINGH @ SANU

...PETITIONER(S)

VERSUS

STATE OF PUNJAB & ANR

...RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Satnam Singh Thakur, Advocate
for the petitioner.

Ms. Himani Arora, AAG Punjab.

GURBIR SINGH, J. (ORAL)

1. This revision is filed against the impugned order dated 07.01.2023 passed by the Id. Additional Sessions Judge, Jalandhar passed in *CIS No.SC/534/2022* titled as “*State of Punjab versus Gurpreet Singh @ Gopi*”, vide which the application under Section 319 Cr.P.C. filed by respondent No.2 was allowed and the petitioner was summoned as accused.

2. Learned counsel for the petitioner submits that the petitioner alongwith two co-accused namely Stalanjit Singh and Harpinder Singh were found innocent by the Police on the basis of proper inquiry conducted by Superintendent of Police, Sub Division Phillaur on the application No.106 dated 18.01.2021 and in the said inquiry, statements of various persons were recorded. The statement of complainant is recorded as PW1 in the learned trial Court. In the said statement, there is no allegation against the petitioner.

Even in the FIR, injury on knee is attributed to the petitioner so, the injury under Section 307 IPC is not attributed to the present petitioner. The prosecution is relying upon the statements of four witnesses and all the said four witnesses have recorded the statements in favour of the present petitioner which shows that the chances of the conviction of the present petitioner is very bleak. The learned Additional Sessions Judge, Jalandhar did not refer the report of the SP, Phillaur in the impugned order dated 07.01.2023. The respondent-State has not presented the said report to the Court in connivance with the complainant. The respondent No.2 has ulterior motive to pressurize the cousin brother of the present petitioner for compromising the matter so is falsely implicating the present petitioner. It is further submitted that earlier the co-accused Stalanjit Singh has filed petition bearing No. CRR No.708 of 2023 challenging the impugned order dated 07.01.2023 in which interim stay was granted vide order dated 17.03.2023. Learned counsel for the petitioner has placed reliance upon judgment of *“Hardeep Singh versus State of Punjab and others” (2014) 3 SCC 92* and *“Ramesh Chandra Srivastava versus State of UP and another” in Criminal Appeal No.990 of 2021 SLP (Crl.) no.6381-2020*. He further submits that the impugned order be set aside.

3. I have heard the submissions, made by learned counsel for the petitioner.

4. The case in question was registered on the statement of Tirath Singh against six persons including the petitioner. During investigation, challan was filed against the accused persons namely Gurpreet Singh @ Gopi, Jaspreet Singh @ Laddi, Sukhvir Singh @ Sukha. A supplementary challan under Section 173(8) of Cr.P.C. was filed. The petitioner-Sanampreet

Singh, Stalanjit Singh and brother of the petitioner Harpinder Singh @ Happy were kept in column No.2 of the supplementary challan. A copy of the supplementary challan is annexed herewith as Annexure P-2.

5. As per allegations, the petitioner brought a gandasa from Raj digital studio and gave reverse side blow of gandasa on back side of right leg of complainant due to which his right leg was broken. Further allegation against the petitioner is that he gave gandasa blow on right ankle of complainant due to which his right ankle was broken. After framing of the charge against the co-accused, Tirath Singh-complainant has been examined as PW-1 (Annexure P-4). He reiterated the version, mentioned above which was stated in the FIR. Prosecution moved an application under Section 319 of Cr.P.C. for summoning of Stalanjit Singh and Sanampreet Singh @ Saanu-petitioner as an additional accused in the present case. Vide impugned order dated 14.10.2022, the application was allowed. Accused Stalanjit Singh and petitioner Sanampreet Singh @ Sanu were ordered to face trial for an offence under Sections 307, 326, 324, 341, 427 and 506 read with Section 120-B of IPC finding more than prima facie material against them. The petitioner was named in the FIR and specific injuries have been attributed to the petitioner. The complainant as PW1 reiterated his version. From the statement of PW-1, it can be concluded that there is more than prima facie case against the petitioner. The learned trial court has rightly relied on case of ***“Hardeep Singh versus State of Punjab” (SC): Law Finder Doc ID# 514451 reported at 2014 (1) ADJ 727*** and ***“Sukhpal Khaira versus State of Punjab” in Appeal No.885 of 2019***, decided on 05.12.2022 passed by the Hon’ble Supreme Court.

6. Stalanjit Singh also filed revision against the impugned order being

CRR No. 708-2023. Notice of motion was issued in the said case and proceedings against Stalanjit were stayed. The learned counsel for the petitioner submits that proceedings against petitioner are also required to be stayed. Petitioner and Stalanjit Singh are not on the same footing in the statement of Tirath Singh-PW1, so petitioner cannot seek parity with him. Case of Stalanjit co-accused is that he was not present at the spot (Annexure P-10).

7. A criminal Court considers the material only to satisfy itself about the correctness, legality and propriety of the findings, sentence and order. The scope of criminal revision is very limited. This court can not substitute its own view. The power under revision can only be exercised, if there is complete misleading of records and the Court taking into consideration irrelevant material while ignoring relevant material has passed the order. In the instant case, the Court has passed the order in accordance with the law on the basis of evidence recorded during the trial and there is no illegality in the order passed by learned trial Court against the petitioner.

8. There is no ground to interfere in the lawful order passed by learned trial Court, so the present petition is hereby dismissed. However any thing stated above shall have no effect on the merits of the case.

(GURBIR SINGH)
JUDGE

18.04.2023
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Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*