

**2023:PHHC:150601**

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

**115/2**

**CRR 2552 of 2023**

**Date of Decision: 07.11.2023**

Sonu @ Sonu Vashishth

...Petitioner

Versus

Sant Ram and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr. Tushar Gautam, Advocate  
for the petitioner.

**N.S.SHEKHAWAT, J.**

1. The petitioner has filed the present petition against the impugned order dated 20.09.2023 passed by the Court of Additional Sessions Judge, Palwal, whereby, the application filed by the petitioner under Section 319 Cr.P.C., was ordered to be dismissed qua respondents No. 1 to 12, namely, Sant Ram, Dinesh, Gaurav, Aashu, Gaurav, Devender, Laves, Pawan, Bijju, Basant, Ajay and Chintu and the trial Court declined to summon them.

2. In the present case, the case was registered on the statement made by Vishal son of Harkesh, wherein, he stated that the accused were facing trial and the accused Mahavir and others had lodged cross-cases against Vishal and Rakshak and it was compromised between the parties. When the police party went to arrest them, they attacked even the police party and FIR No. 720 was lodged by them. All the nine injured witnesses were medically examined by the doctor and doctor found one injury on the person of Harkesh, two injuries on the person of Chanderwati, three injuries on

the person of Shimla, two injuries on the body of Gautam, one injury on the body of Rakshak, two injuries on the body of Viswas, four injuries on the body of Savitri, four injuries on the body of Madan Mohan, two injuries on the body of Sona, three injuries on the body of Geeta and three injuries on the body of Vishal. Even a medical board was constituted and they reconducted the medical examination on 21.12.2021 and the doctor noticed three injuries on the person of Chanderwati, seven injuries on the person of Harkesh and three injuries on the body of Rakshak. As per the complainant, the accused/respondent No. 1 to 12 were specifically named in the initial complaint and they had caused injuries to several injured in the present case.

3. Learned counsel for the petitioner vehemently argued that all the accused, who are sought to be summoned under Section 319 Cr.P.C. were specifically named in the complaint. Learned counsel for the petitioner further argued that the police had colluded with the opposite side/the respondents No. 1 to 12. However, from the submissions of various witnesses, it was evident that respondents No. 1 to 12 were also involved in the crime.

4. I have heard learned counsel for the petitioner and perused the record.

5. In the present case, after the examination of Sonu, injured, the application under Section 319 Cr.P.C. was moved by the prosecution. In the present case, the FIR was initially lodged against 22 persons, however, seven accused, namely, Sanjay, Naveen, Lavesh, Naresh, Anil, Saurab and Sumeri, are already facing trial. Even

through, several injured had suffered injuries, but variation was found

with regard to the number of injuries, suffered by Chanderwati, Harkesh and Rakshak. The trial Court was right in observing that above injured, namely, Ms. Geeta, Madan Mohan, Rakshak, Harkesh, Savitri, Shimla, Gautam, Vishal and Viswas had stepped into the witness box as PW1 to PW9 and none of them had leveled allegations against respondents No. 1 to 12. Still further, it was found that there was a civil dispute between the parties and may be because of the said civil dispute, several allegations have been leveled against the persons, who had no concern with the present dispute. Apart from that, the trial Court had already summoned Harsh and Subhas, against whom, the allegations have been leveled. However, there was no sufficient material to summon the respondents No. 1 to 12 and the application filed by the present petitioner has been correctly dismissed by the trial Court.

6. Finding no merits, the present petition is ordered to be dismissed.

**07.11.2023**  
amit rana

**(N.S.SHEKHAWAT)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether reasoned/speaking | : | Yes/No |
| Whether reportable        | : | Yes/No |