

CRR-2954-2022

105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2954-2022 (O&M)
Date of Decision:04.01.2023

Naveen Kumar ...Petitioner
Versus
State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kuldip Singh, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.

CRM-50594-2022

Allowed, as prayed for. Documents at Annexures P-1 to P-5, are taken on record.

Main case

Feeling aggrieved on being called as an accused under Section 319 CrPC vide order dated 30.09.2022 passed by the learned Additional Sessions Judge, Rewari, the petitioner has come up before this Court under 401 CrPC, seeking quashing of the said order.

2. The complainant had filed an application dated 02.04.2021 before the Additional Sessions Judge, Rewari and he had prayed for summoning the petitioner as an additional accused. The grounds for summoning were that the petitioner had participated in the commission of aforesaid offence and even the report of Deputy Superintendent of Police, had corroborated the same.

3. On 19.05.2020, the complainant had filed an FIR against one Ajit on the allegations that when on asking of the Sarpanch, being a chowkidar, he was on patrolling in the village and then at that time, Ajit hurled abuses at him and when he had objected to such abuses, he called his associate Amit who hit him from his tempo and ran over the same on his right leg, due to which, it fractured. Even Naveen had come over with Ajit and all of them proclaimed that next time they would kill him. Based on the said information, the police registered the FIR against all the three persons namely Ajit, Naveen and Amit.

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4. During the investigation, the persons who were patrolling with the complainant-Ramesh Chand, namely Ram Avtar, Satbir, Anil and Vijay, did not support the allegations and police did not launched the prosecution against the petitioner.

5. On coming to know that the petitioner has been absolved, the complainant had filed an application under 319 CrPC. Vide order dated 30.09.2022, the Additional Sessions Judge, allowed the application and summoned the petitioner as an co-accused. Vide order dated 15.11.2022, this Court had granted anticipatory bail to the petitioner. Now the petitioner has come up before this Court being summoning on the grounds that the independent witnesses did not corroborate version of the complainant.

6. In the impugned order, the trial Court referred to the testimony of PW-1 Ramesh Chand and observed that the medical evidence corroborated injuries and since he had named the petitioner initially and had also mentioned in the FIR that the petitioner had accompanied the other accused, as such, found prima facie case and invoked the provisions on Section 319 CrPC and summoned him.

7. The petitioner's grudge is that the other persons who were accompanying the complainant, did not corroborate the complainant's stand. However they were not the aggrieved persons because none of them was neither confronted by the accused nor hit by tempo. Thus, the only aggrieved person is the complainant-Ramesh Chand. He had named the petitioner as one of the accomplice of Amit who had run over his tempo over the complainant. Thus, prima facie the statement of the victim is sufficient. The petitioner has been arraigned with the aid of Section 34 IPC i.e. common intention and the fact that the petitioner had accompanied the other accused and had also raised lalkara, is sufficient to invoke some of the sections mentioned in the FIR.

8. Given above, there is no illegality in the impugned order and the present petition is dismissed. All pending applications, if any, stand disposed.

9. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.*

(ANOOP CHITKARA)
JUDGE

04.01.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.