

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

**CRR No.340 of 2023 (O&M)  
Date of Decision: 21.03.2024**

Dara Singh

..... Petitioner

*Versus*

State of Haryana and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for respondent No.1.

Ms. Nisha Rana, Advocate for respondent No.2/complainant.

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**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 401 of the Code of Criminal Procedure, 1973 (*for short "Cr.P.C."*) for setting aside the impugned order dated 17.11.2022, passed by learned Additional Sessions Judge, Fatehabad, whereby application under Section 319 Cr.P.C. of the complainant/respondent No.2 was allowed and petitioner has been summoned as an additional accused to face trial in FIR No.197 dated 21.04.2020, under Sections 302, 212 & 120-B of the Indian Penal Code, 1860 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station City, District Fatehabad.

**(2)** The above FIR was registered on the statement of Palwinder Singh son of Kulwant Singh (since deceased) with the allegations that on 21.04.2020

at about 9:00 am, he and his father were going on their respective two-wheelers to Auto Market, Fatehabad. When they reached Sandhu Hospital, tractor (bearing registration No.HR-22-G-3509) was seen parked in front of the above Hospital. Also alleged that Kuldeep Singh @ Sonu was on the driver seat, who drove the tractor towards wrong side with an intention to kill his father and ran the tractor over the scooty of his father. Due to which, his father fell on the ground and then accused Kuldeep Singh @ Sonu ran over his tractor on his father 2/3 times by reversing the same to kill him. On raising alarm, people gathered on the spot; Kuldeep Singh @ Sonu alighted from the tractor; immediately, petitioner-Dara Singh, brother of accused-Kuldeep Singh @ Sonu, came there on a motorcycle and thereafter, both of them fled away from the spot. Informant got his father admitted in Civil Hospital, Fatehabad; from where, he was taken to Medicity Hospital, Hisar for getting better treatment, but succumbed to the injuries on the same day.

(3) Contends that petitioner has been falsely implicated in the present case and he was not present at the time of alleged occurrence. Further contends that during investigation, petitioner was found innocent by the police; but later on, he has been summoned as an additional accused under Section 319 Cr.P.C. vide impugned order dated 17.11.2022.

(4) *Per contra*, learned State Counsel while opposing the prayer submitted that petitioner is specifically named in the FIR and apart from deposition of PW-3, it is quite evident from the CCTV footage that he has actively participated in the commission of alleged crime along with other co-accused. Also submitted that co-accused Arvinder Singh @ Babbi & Chanan Singh were present at the time of occurrence near Jagdamba Dharamshala on a

motorcycle to facilitate the commission of crime by Kuldeep Singh @ Sonu and as per the conspiracy hatched, co-accused Arvinder Singh @ Babbi along with Chanan Singh were waiting for Kuldeep Singh @ Sonu to run away from the spot with present petitioner and thereafter, he fled away on a motorcycle along with co-accused Arvinder Singh @ Babbi & Chanan Singh. Further submitted that after summoning the petitioner as an additional accused, he has been charged for the offences punishable under Section 120-B IPC, Section 302 read with Section 120-B IPC, Section 212 IPC and Section 3(2)(v) of the Act by learned Special Court vide order dated 07.07.2023 and now the case is pending for prosecution evidence. Again submitted that PW-3 while deposing before learned Special Court specifically narrated the role of present petitioner along with other co-accused.

(5) Learned Counsel for the complainant while supporting the State Counsel submitted that there is sufficient material regarding the complicity of petitioner. Also submitted that during the pendency of present case, petitioner-Dara Singh has again fired a gunshot towards the house of complainant/informant and an FIR No.0518 dated 26.10.2020, under Sections 285, 34, 427, IPC; Sections 25 & 27 of the Arms Act, Police Station City, District Fatehabad is registered in this regard against him along with two other accused.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) There is no quarrel that petitioner was named in the FIR and co-accused Kuldeep Singh @ Sonu in his disclosure dated 20.04.2020 revealed the entire conspiracy for committing the alleged crime and pointed out the role of present petitioner.

Police-papers reveal that during investigation, CCTV footage of the alleged occurrence was collected and which *prima facie*, indicates that Kuldeep @ Sonu fled away from the spot after committing the crime along with petitioner-Dara Singh, Arvinder Singh @ Babbi and co-accused Chanan Singh. Still further, PW-3 during his examination-in-chief, recorded by learned Special Court, *inter alia*, deposed that “*Accused Kuldeep alias Sonu in criminal conspiracy with his brother Dara Singh, Chanan Singh and Balwinder Singh again stated Arwinder Singh had crushed my father with his tractor in order to kill him. My father Kulwant Singh died during treatment on 21.04.2020.*”

It is a matter of record that charges have already been framed against the present petitioner for the offences punishable under Section 120-B IPC, Section 302 read with Section 120-B IPC, Section 212 IPC and Section 3(2)(v) of the Act by learned Special Court on 07.07.2023 and prosecution evidence is going on.

Apart that, it has also come on record that petitioner-Dara Singh fired a shot towards the house of complainant/informant and an FIR No.0518 dated 26.10.2020, under Sections 285, 34, 427, IPC; Sections 25 & 27 of the Arms Act, Police Station City, District Fatehabad is registered against him.

(8) Since the charges against the petitioner have already been framed and moreover, the impugned order is based on correct appreciation of facts as well as material available with the prosecution; hence, this Court does not find any illegality or perversity with the impugned order warranting interference under Section 401 of the Cr.P.C.

(9) Consequently, there is no option except to dismiss the petition.

Ordered accordingly.

- (10)           The observations made above shall not be construed as an expression of opinion on merits of the controversy in any manner.
- (11)           Pending application(s), if any, shall also stand disposed off.

21<sup>st</sup> March, 2024  
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( MAHABIR SINGH SINDHU )  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable        | Yes |