

2024:PHHC:160822



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 2400 of 2024
Date of Decision: 02.12.2024

Manjeet		...Petitioner
	Versus	
State of Haryana		... Respondent

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

Present : Mr. Rohit Mittal, Advocate with
Mr. Manav Ahlawat, Advocate
for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned order dated 27.07.2023 passed by the Court of Additional Sessions Judge, Narnaul, whereby, the application under Section 319 Cr.P.C. moved by the prosecution for summoning Pintu @ Samarjeet as an additional accused in the present case was ordered to be dismissed.
2. The FIR in the present case was registered on the basis of the statement made by Manjeet Singh son of Ram Pal and the same has been reproduced below:-

"To, the SHO, Police Station Ateli. Sir, it is requested that I, Manjit son of Rampal, caste Ahir, am a resident of

Bhodi Ki Dhani and I do studies. On 28/04/2021, I came to know that someone has beaten up my father on the liquor vend on the turn of village Tigra. Then I and my elder uncle Birender son of Sardar Singh and my brother Ravinder son of Babulal, Bhim son of Babulal reached there, then my father told us that Abhay Singh, Pintu sons of Bhoop Singh and Surender son of Abhay Singh, Deepla son of Sumer Singh, residents of Bhodi have beaten up me and other four persons were also there, who also beaten me and also taken away Rs.1 Lac 45 thousands of mustard, which were with me. Then we took my father to CHC Ateli and after that due to serious injury he became unconscious there and Ateli CHC referred him to General Hospital Narnaul. Then we brought my father to Government Hospital Narnaul for treatment, where the Doctor treated my father and due to multiple injuries referred my father, whom we were taking to Jaipur for treatment today and in the way my father died near village Mandi, whose dead body we took back to Government Hospital, Narnaul. Now complaint has been given to you, against whom legal action should be taken. SD. Manjeet Applicant Manjeet son of Rampal, resident of Bhodi Ki Dhan 9306403016 dated 29/04/21”.

3. After completion of the investigation, challan was presented before the competent Court. During the course of trial, the statement of PW1 Manjeet Singh was recorded by the trial Court and, thereafter, the application under Section 319 Cr.P.C. was moved

before the trial Court. However, vide the impugned order, the application filed by the prosecution was ordered to be dismissed.

4. Learned counsel for the petitioner vehemently contends that in the present case, the case was initially registered against 08 persons, namely, Abhay Singh, Pintu, Surender, Deepla and four unknown persons for inflicting injuries on Ramphal, since deceased. However, the police had not conducted the investigation fairly and Abhay Singh, Deepak, Surender and Yashpal were challaned, however, Pintu was kept in column No. 2. After the examination of PW1 Manjeet Singh, complainant, the prosecution moved an application for summoning Pintu @ Samarjeet as an additional accused, alongwith the main accused, to face the trial. Learned counsel further contends that Pintu @ Samarjeet was mentioned by the witnesses during the course of investigation and was liable to be summoned under Section 319 Cr.P.C. He further contends that at the stage of disposal of the application under Section 319 Cr.P.C., the Court was required to see only the *prima facie* case against Pintu @ Samarjeet and the trial Court had wrongly appreciated the evidence in the present case.

5. I have heard the learned counsel for the petitioner at length and find no substance in the arguments raised by him.

6. In the present case, during the course of trial, the prosecution had examined PW1 Manjeet Singh and he had named

Pintu @ Samarjeet as one of the assailants. However, I agree with the findings recorded by the trial Court that while summoning an accused under Section 319 Cr.P.C., there has to be some evidence before the Court, which would show the complicity of the persons sought to be summoned as additional accused. In the present case, PW1 Manjeet Singh had appeared and reiterated the statement, which was recorded by the police during the course of investigation and the petitioner had not named Pintu @ Samarjeet as one of the assailants in the present case. Except the statement of PW1 Manjeet Singh, initially disclosure statement of co-accused Abhay Singh recorded on 02.05.2021 and there was no other evidence to prove the involvement of the petitioner in the crime. Still further, in the present case, the Investigating Officer conducted the investigation and found that there was no substantive evidence against Pintu @ Samarjeet to commit him for trial.

7. Apart from that, in the present case, after the arrest of the accused, the statement of Abhay Singh was recorded on 02.05.2021. As per him, Deepak had induced him and Balraj gave beatings to father of the complainant, at the behest of Pintu @ Samarjeet. Still further, in the process of investigation, Deepak, Surender, Yashpal and Balraj had made statements that they had attacked the father of the deceased to teach him a lesson and none of the witness had pointed out the guilt of Pintu @ Samarjeet in any manner.

8. Even otherwise, I have gone through the findings recorded by the trial Court and find no reason to interfere with the same. The revision is, accordingly, dismissed.

9. CRM 47372 of 2024 also stands dismissed.

10. Since, the FIR in the present case was registered on 01.05.2021 and the case is still at the initial stage, the trial Court is directed to expedite the trial and to conclude the same at the earliest, in the interest of justice.

02.12.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE