



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-55157-2024 (O&M)
Date of Decision:-08.11.2024

Balvinder Nath and others ... Petitioners

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashit Malik, Advocate for the petitioners.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners herein assail order dated 30.09.2024 passed by learned Additional Sessions Judge, Karnal (Annexure P-18) whereby the revision petition filed by the petitioners challenging order dated 20.10.2022 (Annexure P-17) passed by learned Judicial Magistrate 1st Class, Karnal, whereby charges under Sections 148, 323, 324, 325, 326, 452, 504 and 506 read with Section 149 IPC had been framed against the accused in a complaint case bearing No.25 dated 10.05.2011 titled as Ravi Kumar Vs. Daulat Ram etc., has been dismissed.
2. A few facts which need to be noticed are stated herein chronologically:
 - i. That on 10.05.2011 respondent No.2-Ravi Kumar instituted a criminal complaint against the petitioners and others.



ii. That vide order dated 31.03.2021 learned Judicial Magistrate 1st Class, Karnal (Annexure P-14) ordered for summoning the accused/petitioners.

iii. The petitioners challenged the aforesaid summoning order dated 31.03.2021 by way of filing a petition under Section 482 Cr.P.C. (Annexure P-15) in this Court, which was disposed of by this Court on 25.11.2021 granting liberty to the petitioners to file a revision petition.

Pursuant to aforesaid order dated 25.11.2021 passed by this Court, the petitioners filed a revision petition bearing No.134 dated 10.12.2021 in the Court of Sessions challenging their summoning order and the said revision petition is still pending.

iv. Charges were framed under Sections 148, 323, 324, 325, 326, 452, 504 and 506 read with Section 149 IPC by the trial Court against the accused/petitioners vide order dated 20.10.2022 (Annexure P-17).

v. The petitioners had challenged the order of framing charges by way of filing a revision petition which has been dismissed by the Court of learned Additional Sessions Judge, Karnal vide order dated 30.09.2024 (Annexure P-18), which is being assailed before this Court.

3. Learned counsel for the petitioners submitted that although the revision petition filed by the petitioners pursuant to passing of order by this Court challenging summoning order is still pending but the trial Court has proceeded hurriedly to frame charges against the petitioners and in fact even

*CRM-M-55157-2024 (O&M)*

(3)

the revisional Court has proceeded to dismiss the revision petition without taking into account that the very foundation of the case i.e. the summoning order was still under challenge and a revision was pending.

4. This Court has considered the submissions addressed before this Court.
5. While it is correct that the revision against the summoning order is pending and despite the same not only the charges have been framed, but even the revision against the order of summoning had been dismissed. However, at the same time, this Court cannot overlook the fact that no “stay” order was operative with respect to the proceedings pending before the trial Court and under these circumstances the trial Court was expected to proceed with the trial in accordance with law. In any case, since revision is still pending before the Court of learned Additional Sessions Judge, challenging summoning order, this Court is of the opinion that it will be more appropriate in case the revision petition is decided expeditiously so that in case the revisional Court comes to the conclusion that there is no ground for proceeding against the accused or that summoning order suffers from some infirmity and is required to be set aside, then the petitioners would be saved of the unnecessary botheration of facing the trial which has already commenced pursuant to framing of charges against the accused.
6. It needs to be clarified that the aforesaid complaint case against the petitioners is stated to be a cross-version of the case arising out of FIR No. 64 dated 13.3.2011, Police Station Butana, District Karnal under Sections 148, 149, 323, 324, 326, 325, 427, 506 IPC. Although some of the co-



CRM-M-55157-2024 (O&M) (4)

accused in the FIR case who are juvenile already stand convicted, but the trial in respect of the other co-accused in the FIR case is still pending.

7. At this stage, learned counsel for the petitioners submits that in case the revisional Court proceeds with the revision petition filed against the summoning order expeditiously, he is willing to withdraw the instant petition.
8. In view of the aforestated position, the instant petition is hereby dismissed as withdrawn. The Revisional Court where the revision against the summoning order is pending is however, directed to proceed, hear and dispose off the revision petition expeditiously preferably within one month from today.
9. Since, the instant complaint is stated to be a cross-version in respect of FIR No.64 dated 13.3.2011, Police Station Butana, District Karnal under Sections 148, 149, 323, 324, 326, 325, 427, 506 IPC and is stated to be pertaining to the same very incident, it goes without saying that in case the summoning order survives and the petitioners are required to be tried in respect of the complaint, the complaint as well as FIR case shall proceed simultaneously and shall be tried by the same Court and the final judgments shall be passed on the same day.

08.11.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No