



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

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**CRR-2030-2025 (O&M)
Date of decision: 27.08.2025**

Amarnath

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Himanshu Garg, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present revision petition is to the order dated 23.05.2025 passed by the Chief Judicial Magistrate, Rohtak, in FIR bearing No.60 dated 31.01.2019 under Sections 323, 325 and 506 of Indian Penal Code, 1860, registered at Police Station City Rohtak, Haryana, whereby the application of the petitioner under Section 319 Cr.P.C., for summoning private respondents Raman Gulati and Gulshan, was dismissed.

2. Learned counsel appearing on behalf of the petitioner refers to the FIR and contends that the petitioner had specifically vouched for the presence of the accused Raman Gulati and Gulshan Kumar on the spot when the incident took place. He further submits that the petitioner is a tenant in the house of Raman Gulati and that a civil proceeding is going on amongst



the parties. He submits that with a view to taking forcible possession of the house, the attack had been orchestrated by Raman Gulati. He refers to the specific averments made in the FIR, which read as under:-

“I went to check and noticed a visible crack in the wall. I came downstairs and asked the neighbour about it. He replied that the house belongs to Raman Gulati, and since I am only a tenant, he would do as he pleases. He asked, “Who are you to stop me?” and then punched me in the eye. He also struck my right hand’s little finger and fractured it. My brother Kashmiri Lal came downstairs to intervene, but he was hit in his left eye. Hearing the noise, my sister Veena came downstairs and was pushed on her chest and fell down. Hearing the screams, people gathered, and Praveen ran away. He threatened us saying, “Vacate the house, or I will have you all killed – I have enough power.” His wife was not present at the spot. Raman was present, and about 15 others were supporting him in this assault. Now, our lives and property are in danger. Kindly take legal action and provide justice. We have been living in the house with our family as tenants since 1990. Raman Gulati, Gulshan (sons of Fakir Chand), and Praveen (son of Kailash) are colluding to illegally evict us from the property.”

3. He further refers to the testimony of the petitioner before the Trial Court as PW-1. The relevant part of the examination-in-Chief recorded before the trial Court is extracted as under:-

“Behind him, Raman Gulati son of Munsiram Gulati, Gulshan Kumar son of Fakir Chand were standing behind him. I said to Parveen that you are breaking the wall due to which cracks have appeared in our wall, come up and see.



Then he said that why should I see, the house is of Raman Gulati he is standing along, you are a tenant. If I want to break entire, who are you to stop me. I said, now you do it. I have got stay. Then Parveen said 'basted I show you what is stay', immediately after saying this, Parveen gave fist blow on my right eye. Raman Gulati and Gulshan Kumar caught hold me, by saying this, voluntarily said caught from behind and started giving me beating with fists, Raman was also beating from behind with elbow and was instigating. He said to Parveen, today he should be taught lesson. Parveen hold my hand and twisted finger and put me down, due to which little finger of my right hand got broken and put me down. Parveen accused is present in the Court. But Gulshan and Raman Gulati, who have given be beatings, are not present in the Court today. (At this stage complainant counsel Sandeep Raj intervened through APP that witness has disclosed facts before the Court which may amounts to inclusion of Gulshan and Raman as alleged accused and moved an application in this regard.”

4. Learned counsel for the petitioner further contends that the accused sought to be summoned as an additional accused were not only named by him in the FIR but specific attributions have also been disclosed by him while appearing as a prosecution witness.

5. Counsel for the petitioner, however, has been confronted with the specific investigation conducted by the Investigating Agency, wherein the findings recorded are extracted as under: -

“That accused Parveen had given his complaint to the higher authorities, the complaint of which was investigated by Shri Gorakhpal, Deputy Superintendent of Police, Rohtak on 12/3/19 and sent to the police station, in which Raman Gulati



son of Munshi Ram resident of Hari Nagar, Rohtak and Gulshan son of Fakir Chand resident of Indira Enclave, Paschim Vihar, New Delhi and on the basis of affidavits and Gulshan's location being found to be Delhi, Raman Gulati and Gulshan were found not to be involved in any of the above mentioned fight, and were found innocent in the case, the investigation of which was also carried out by me, even through my investigation, Gulshan and Raman Gulati, named in the case, were found innocent, and in the present case there are sufficient evidence against Parveen son of Kailash Chand, on the case file for filing the challan and as the evidence against Raman and Gulshan named in the case are not found as per the mercy by the Court, they have been kept in the Col.No. 2. Challan has been prepared against accused Praveen above mentioned and the witnesses may be called through summons and further action be taken, please.”

6. I have heard the learned counsel for the petitioner and have also gone through the documents appended with the present petition.

7. It is evident from a perusal of the above that in the initial version, the case set up by the petitioner was that the suspects, namely Raman Gulati and Gulshan Kumar, were in collusion and Raman Gulati was present on the spot when he was assaulted. There was, however, no attribution against Raman Gulati in the first version, which was duly signed by him. Invariably, an improvement has been made by the petitioner in the deposition before the Court as a prosecution witness while appearing as PW.1, wherein the allegation is to the extent that Raman Gulati and Gulshan Kumar caught hold of the petitioner and that Raman Gulati also gave beatings with an elbow while instigating from



behind. There is no whisper as regards the specific investigation conducted by the respondent-State, which shows that only the accused Parveen (son of Kailash Chand) was present while Raman Gulati and Gulshan Kumar were not present at the spot. The Chief Judicial Magistrate placed a specific reliance on the judgment of the Hon'ble Supreme Court in the matter of ***Hardeep Singh Vs. State of Punjab***, reported as ***2014 (1) RCR (Criminal) page 623***, which deals with the existence of the prima facie requirements before any person is summoned as an additional accused under Section 319 Cr.P.C. The quality of evidence on the basis whereof a person can be summoned as an additional accused should not leave any room for doubt. Apparently, the improvement in the allegations levelled by the petitioner from the statement given to the police by the petitioner at the time of registration of the FIR and at the stage of deposition in Court shows that there has been a marked improvement in the allegations levelled against the said persons. The material available before a Court for summoning a person as an additional accused should be sufficient enough to satisfy the conscience of the Court about the prima facie involvement of the said person. Summoning of a person as an additional accused and forcing him to undergo a regular trial cannot be undertaken at the drop of a hat on the unsound, whimsical, or fanciful allegations levelled by a complainant.

8. The trial Court, after going through the judgments referred as well as the evidence adduced by the petitioner, recorded as under:-

“9. In the present application, complainant is praying for summoning of Raman Gulati son of Munshi Ram and



Gulshan son of Fakir Chand. Till now prosecution has examined only one witness i.e. the complainant Amarnath as PW1 and his chief examination has been deferred. It is only complainant who has named the above said persons in his deposition, which is slightly different from his complaint given to the police upon which FIR was registered. The contents of the DD entry dated 02.12.2018 upon which the present case was got registered is totally different with regard to the roles of proposed additional accused persons which create doubt in the mind of the Court. In that, no role of the accused persons was shown except that there was a criminal conspiracy on their behalf and Raman was present at the spot and wanted to get him evicted from the house. Therefore, the role attributed to purposed accused persons and the story of the complainant in both the places are different. The police has thoroughly investigated the case and found said persons innocent. Only because complainant named them in her chief-examination, cannot be made a ground to summon said persons. Further, there is no independent evidence examined till date nor mentioned in the list of witnesses or in the statements under Section 161 Cr.P.C. on the file who named said persons as the accused. Further, the police has thoroughly investigated this case and even in the inquiry of DSP Gorakhpal, evidences were not found against the proposed accused persons. It is the tendency of the complainant's side in matrimonial dispute to involve all the in-laws of the accused. Therefore, reasonable doubt appears in the mind of this court regarding the role attributed to Raman Gulati son of Munshi Ram and Gulshan son of Fakir Chand by the complainant as discussed above. Therefore, there is no sufficient evidence on the file which require the additional summoning of Raman Gulati son of Munshi Ram and Gulshan son of Fakir Chand. Hence, the

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*application in hand stands **dismissed.***”

9. In view of the above, I do not find that the impugned order passed by the Chief Judicial Magistrate, Rohtak, suffers from any illegality, perversity, or impropriety, or that the reason given by him is not sustainable as per law.

10. Consequently, finding no illegality, the instant writ petition is dismissed.

August 27, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No