



**CRR-1957-2024 &
CRR-332-2025 (O&M)**

1

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

Judgment Reserved on: March 21, 2025

Judgment Pronounced on: March 27, 2025

1. CRR-1957-2024

[arising out of Order dated 11.09.2024, passed by Additional Sessions Judge, Bhiwani, in Sessions Case No. 30 of 2023, dated 18.05.2023 (FIR No. 413, dated 17.11.2022, under Sections 120-B, 148, 149, 302, 307, 506 IPC, and Section 25 of the Arms Act, 1959, registered at Police Station Bawani Khera, District Bhiwani)]

Jora Singh and others

...Petitioners

Versus

State of Haryana and another

...Respondents

2. CRR-332-2025 (O&M)

[arising out of Order dated 11.09.2024, passed by Additional Sessions Judge, Bhiwani, in Sessions Case No. 30 of 2023, dated 18.05.2023 (FIR No. 413, dated 17.11.2022, under Sections 120-B, 148, 149, 302, 307, 506 IPC, and Section 25 of the Arms Act, 1959, registered at Police Station Bawani Khera, District Bhiwani)]

Ravikant @ Uppan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

**Present: Mr. Preetinder S. Ahluwalia, Advocate,
(in CRR-1957-2024)**

**Mr. Rajesh Sharma, Advocate,
(in CRR-332-2025)
for the petitioner(s).**

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

**Mr. Rakesh Nehra, Senior Advocate, with
Mr. Akshay Kumar, Advocate,
for respondent No. 2-Complainant.**



**CRR-1957-2024 &
CRR-332-2025 (O&M)**

2

SANJAY VASHISTH, J.

1. By this common judgment, two criminal revision petitions, bearing CRR No. 1957 of 2024 and CRR No. 332 of 2025, shall be decided.

2. CRR No. 1957 of 2024 has been filed by **petitioners – (1) Jora Singh; (2) Vikram; (3) Balraj; and (4) Mohit**, and CRR No. 332 of 2025 has been filed by **petitioner – Ravikant @ Uppan**, impugning the order dated 11.09.2024, passed by Additional Sessions Judge, Bhiwani, in an application under Section 319 Cr.P.C, whereby while accepting the prayer made therein, the aforementioned five petitioners and one **Raj Kumar son of Mahla**, who has not opted to assail the impugned order dated 11.09.2024, have been summoned to face trial under Sections 302, 148, 149, 307, 506 & 120-B IPC and Section 25 of the Arms Act, 1959, in Sessions Case No. 30 of 2023, dated 18.05.2023, arising out of FIR No. 413, dated 17.11.2022, registered under Sections 120-B, 148, 149, 302, 307, 506 IPC, and Section 25 of the Arms Act, 1959, at Police Station Bawani Khera, District Bhiwani.

3. FIR (supra) was got lodged at the instance of respondent No. 2/complainant – Chandi Ram, and the version in the FIR is as under:-

“To SHO, Police Station Bawani Khera. Sir, I Chandi Ram S/o Abheyram resident Badesara District Bhiwani and work as a farmer. We are five brothers. Elder was Anup who expired, then younger Satbir, then younger Mahender, then Ajit and then me. My brother Mahender who was about 48 years old worked as a farmer and was unmarried. There was Sarpanch election in our village on 2nd November 2022 in which Bhup Singh was the Sarpanch candidate and my brother Mahender used to support Bhup Singh in the election. On 31st October, a conspiracy was hatched. In this conspiracy Balraj S/o Sube Singh, Mohit S/o Balraj, Silk S/o Bhalle, Jora S/o Malaram, Vikas S/o Baljeet, Vikram S/o Baljeet, Abhimanyu S/o Baljeet, Rajkumar S/o Malaram, Upan S/o Samunder and Rajkumar's son, Sombir S/o



Bhaleram, Nupad S/o Bariram, Sukhbir S/o Hawasingh, Anil S/o Srichand, Rohit S/o Balram, Pawan S/o Nupad who threatened before the elections that after the elections, Mahender and Ajit alias Walia S/o Wazir who are supporting Bhup would be killed. The party of Mahender and Walia alias Ajit won and due to this the above persons started harboring a grudge. Yesterday on 16.11.2022 at around 6.00 PM, my brother Mahender and Ajit alias Walia were coming to the village from the fields in car of Ajit alias Walia i.e. white HR16N5061 RITZ. So the road was closed due to stubble lying on the road. Mahender was alighted and getting the car reversed. Then near Gopi's Chakki, Silk, Upan and Rajkumar and other 2 or 3 men came armed with weapons on motorcycles and started firing indiscriminately due to which Mahender and Ajit were hit by several bullets in which Mahender died on the spot and Ajit was injured. Murari S/o Satish village Badesara first took Ajit to CHC Dhanana in the same vehicle, who was later admitted to Sapra Hospital, Hisar where he is undergoing treatment. I had received information about this incident from the villagers themselves against the above persons who were against me. Strong legal action be taken against the above said who made conspiracy and murdered my brother Mahender. Applicant Sd/- Chandiram, Chandiram S/o Abheyram village Badesara dated 17.11.2022 Mob. 9812319888."

As per complainant – Chandi Ram, he received information about the incident from the villagers.

4. After examination of the complainant – Chandi Ram and injured – Ajit Singh, an application, dated 08.11.2023, under Section 319 Cr.P.C. was moved by injured – Ajit Singh through the Public Prosecutor, for summoning of (1) Raj Kumar son of Mahla; (2) Uppan son of Samunder; (3) Jora Singh son of Mala Ram; (4) Vikram son of Baljeet; (5) Balraj son of Sube Singh; and (6) Mohit son of Balraj, as additional accused.

5. While assailing impugned summoning order, learned counsel for the petitioner(s) firstly refers to the zimine order dated 07.12.2023, wherein having considered the status report of the police, it was noticed by



**CRR-1957-2024 &
CRR-332-2025 (O&M)**

4

the learned Trial Judge that qua (1) Abhimanyu; (2) son of Raj Kumar; (3) Sombir; (4) Nupar; (5) Sukhbir; (6) Anil; (7) Pawan; and (8) Rohit, investigation was not complete till that date and on the basis of disclosure statements of already arrested accused, no participation in the committed offence of these persons have been revealed. It was also noticed by the Trial Court that despite passing of long period of time, the status of these 8 persons has yet not been clarified by the police, if they are found innocent or awaiting arrest. Therefore, the application under Section 319 Cr.P.C. of the prosecution was kept pending, awaiting a fresh report.

6. While referring to another zimine order dated 11.12.2023, learned counsel for the petitioner(s) pointed out that an application was moved by the investigating officer ASI Pritam Singh, for conducting Lie Detective Test of fifteen persons, named in the FIR, namely, (1) Balraj; (2) Jora; (3) Uppan; (4) Anup @ Nupar; (5) Sukhbir; (6) Deepak @ Pawan; (7) Vikram; (8) Raj Kumar; (9) Mohit; (10) Rohit; (11) Sombir; (12) Anil; (13) Ankit @ Rohit; (14) Vikas; and (15) Abhimanyu, which was allowed. And, again the application under Section 319 Cr.P.C. was kept pending without any decision.

7. Subsequently, on 20.02.2024, a status report, under Section 173(8) Cr.P.C. was filed by the police, by mentioning therein that six of the co-accused, namely, (1) Raj Kumar; (2) Uppan; (3) Jora Singh; (4) Vikram; (5) Balraj; and (6) Mohit, who are named in the application under Section 319 Cr.P.C., and other co-accused, namely, (1) Anup @ Nupur; (2) Sukhbir; (3) Deepak @ Pawan; (4) Rohit; (5) Sombir; (6) Anil; (7) Ankit @ Rohit; (8)



**CRR-1957-2024 &
CRR-332-2025 (O&M)**

5

Vikas; and (9) Abhimanyu, were found to be innocent and were kept out of the purview of investigation.

It would be apt to mention here that initially report/challan under Section 173(2) Cr.P.C., was filed against eight accused persons, namely, (1) Bilawar Singh @ Dilawar; (2) Silak Ram; (3) Manoj @ Ganju; (4) Pardeep @ Sonu; (5) Nitin; (6) Sanesh @ Langra; (7) Sahil; and (8) Bijender @ Meenu.

8. Injured – Ajit Singh was examined as PW-3, and his statement dated 08.11.2023, reads as under:-

“ Stated that I am presently posted as Junior Lecturer at Govt. Senior Secondary School of Village Khanak, Tehsil Tosham, District Bhiwani. On 16.11.2022, I had come to my home directly after school time. I had gone to Rohtak with my friend Murari son of Satish for some personal work in my vehicle Ritz car bearing no. HR-16N-5061 white colour. When we returned back and reached on new minor Badesara near to my field. I alongwith Murari stayed there for some time. In the meantime, Mahender son of Abhey Ram who was working in the fields came there who is my brother in relation. It was about 06.00-06.15 PM. Mahender told me that he will accompany us upto the home. We three boarded in the car and started going towards village Badesara. When we reached in the village, Murari was got alighted near street of bank which goes towards the house of Murari. Thereafter, I and Mahender covered the distance of about 500 meters in the street in the same car. Street was blocked due to Parali. Due to which our car was stopped. Mahender alighted from the car and started helping me for reversing the car. When I was turning back my car then Uppan son of Samunder, resident of Village Badesara alongwith two other persons came there on a bike, then on another bike Silak son of Bhale Ram, Raj Kumar son of Bhala Ram, Sohu son of Dalbir Singh, resident of Village Badesara alongwith two persons came there who were unknown to me. All were armed with weapons i.e. firearms proceeded towards me. I rolled my window panes up and these persons started indiscriminately firing upon me. The first gunshot injury given by Silak on my forehead (temporal). Then after Raj Kumar, Uppan and Sonu and two others who were unknown to me at that time kept on firing upon me and in total in received some 10 gunshot



injuries. Accused Silak gave me threatening that I and my entire family will be killed and whoever will be a witness, he also will be killed. Mahender who was standing outside the car to facilitate the back drive of the car, was also shot at by Silak. Mahender received gunshot injuries by all the assailants but I do not know who had fired upon him and how many time. These assailants got that I have died and they went away alongwith their respective weapons. I was conscious and I issued (used?) my mobile no. 8813883000 and called my friend Murari on his mobile no. 7059467777 and I informed him that the Landhyas wala have shot upon him and he should come at the spot and to take me to the hospital and come in a vehicle to pick me. After 5-7 minutes, Murari alongwith my wife and elder son came running for my rescue. They all took me in my same vehicle to CHC Dhanana. I was given medical aid and then referred to General Hospital Bhiwani but my family members preferred to take me at Sapra Hospital Hisar where we reached by 08.30-09.00 PM. I was admitted at this hospital where I remained admitted from 16.11.2022 to 28.11.2022 and during this period I was operated four times. Regarding the bullet injuries that I received behind the ear, both the sides of chest and two gunshot in my abdomen and one on my hip and one gunshot on my thigh, three in my right arms. 3-4th day of my admission in the hospital, I got information that Mahender had died because of the gunshot injuries received by him. Police had come to the hospital and recorded my statement on 28.11.2022.

The cause of this incident is that Zora Singh son of Malha Ram, Raj Kumar, Balraj son of Sube, Mohit, Rohit, Pradeep, Vikas, Abhimanyu and son of Raj Kumar whose name I do not know, Anil, Sukhbir son of Hawa Singh, Nupar, Deepak, Uppan, Silak and Sombir (some 16 persons) these persons had made a meeting in the village on 30-31.10.2022 on the pretext of election and had planned my murder. They had planned that the person who I give vote in the election, if is winning then they will kill me. These assailants had lodged false FIRs bearing no. 132, 387, 209, 207, 187 or 167 because I was having friendly relationship with Bablu and I was a Govt. employee they targeted me to be involved in these false cases.

Because of the injuries received, I started suffered from brain hemorrhage and my general health has deteriorated day by day.

Two of the named persons in my complaint namely Vikram son of Baljeet and Zora Singh son of Malha Ram had been wrongly removed from the investigation because they are from police department and these two persons their service



power to influence the investigating of this case. Besides this Uppan, Zora Singh, Raj Kumar, Vikram, Vikas, Balraj and Mohit who had been also wrongly kept out of the preview of the investigation by the police.

Accused Silak Ram (witness has rightly identify him), Pardeep @ Sonu (witness has rightly identify him), Nitin (witness could not identify him by any name), Bilawar Singh @ Dilawar (witness wrongly identify him as Sonu), Sanesh @ Langra (witness could not identify him by saying that he is in beard and he does not know his name), Sahil (witness wrongly identify him as Sonu), Bijender (correctly identify by the witness) and Manoj @ Ganju (correctly identify by the witness) are present in the court through V.C.

Xxxxxxx (Cross-examination) by defence counsel.

It is wrong to suggest that the Zora Singh, Raj Kumar, Uppan, Vikram, Balraj and Mohit had been named by me wrongly without having their involvement in this case. It is incorrect to suggest that I did not receive any gunshot injuries from the hands of assailants in this case.

(further cross-examination of this witness is deferred).

*Read over and admitted
as correct*

*(Recorded on my
dictation)"*

9. During course of evidence, on 02.05.2024, respondent No. 2/complainant – Chandi Ram appeared as PW-4, and stated as under:-

“ Stated that Mahender (since deceased) was my elder brother and he was aged about 48 years. On 02.11.2022, election of Sarpanch was to be held in our village in which my cousin (son of my Tau) namely Bhoop Singh was candidate of Sarpanch and we were supporting him. About 2-3 days ago of the election we were demanding vote. When we were passing in front of the house of Sube Singh, we heard the noise of giving threat to kill Mahender. Vikas son of Baljeet, Vikram son of Baljeet, Abhimanyu son of Baljeet, Balraj son of Sube Singh, Jora son of Mala Ram, Raj Kumar son of Mala Ram, Mohit and Rohit both sons of Balraj, son of Raj Kumar Upan son of Raj Kumar, Sukhbir son of Hawa Singh, Anil son of Shrichand, Nupper son of Bari Ram, Pawan son of Nupper were sitting together in order to kill. On 02.11.2022 (16.11.2022?), my



brother Mahender was returning from the fields after watering the same. On the way, Paral was lying. Mahender and Ajit were sitting in the car. Mahender alighted from the car to get it reverse and Ajit remained sitting in the car. Two-three motorcycles came from behind upon which, Upan son of Samunder, Silak son of Bhale Ram, Raj Kumar son of Mala and they fired indiscriminately upon Mahender and Ajit. Mahender died at the spot due to bullet injuries. Ajit sustained bullet injuries while sitting in the car. Upon motorcycles those 3-4 persons fled away. Ajit was shifted from the spot by Murari and I remained sat on the spot with my brother Mahender. Police took dead body of Mahender to Govt. Hospital. Our whole family became perturbed due to murder of my brother Mahender and I was asked to remain at my house. Police arrived at the spot after about one hour and met me.

On next day of incident i.e. 17.11.2022, I moved an application Ex. P6 which bears my signatures at Point-A. Bloodstained earth, cartridges cases and led lifted from the spot by the police whose rough sketch Ex. P7 was prepared and I.O. took the same in police possession vide memo Ex. P8 after converting the same into sealed parcel. Memo bears my signature at Point-A as witness.

I can identify the accused Silak Ram and Sonu who are present in the court through Video conferencing.

Xxxxxxx (Cross-examination) by defence counsel.

The occurrence did not take place in my presence. Self stated I reached at the spot after hearing the noise of bullet fire. Firing took place at about 06.00 PM. The dead body of Mahender was shifted to hospital after three hours of the occurrence.

I moved application in the forenoon of the next day of incident. I got written the complaint by my neighbour whose name I do not disclose. I cannot tell where the dead body of my brother was present when I moved complaint. I do not remember where injured Ajit was present when I moved complaint. I did not mention in my complaint that I heard about this incident from villagers. The witness is confronted with portion A to A1 Ex. P6 where it is so written. Volunteered I myself heard the noise of firing and rushed to the spot. I do not remember whether I narrated in my complaint that I rushed to spot after hearing the noise of firing. I cannot tell the name of villagers who gathered at spot after the incident but they were many in number.



**CRR-1957-2024 &
CRR-332-2025 (O&M)**

9

(Further cross-examination of this witness is deferred).

*Read over and admitted
as correct”*

(Recorded on my dictation)

10. By referring to the statements and impugned order dated 11.09.2024, learned counsel for the petitioner(s) argued that as per the case of prosecution all the additional accused now summoned under Section 319 Cr.P.C. are attributed the role of hatching of criminal conspiracy prior to the incident dated 16.11.2022. Injured – Ajit Singh is not the witness to the conspiracy, rather it is complainant – Chandi Ram who has stated about overhearing of the conspiracy hatched by the accused persons on 31.10.2022. Therefore, by referring to the impugned order, learned counsel submitted that petitioner(s) have been summoned primarily for the reason that they are involved in the crime having conspired with the main accused and to that effect relevant evidence of the complainant – Chandi Ram (PW-4) has not even been discussed by the learned Trial Court in the impugned order. Moreover, consideration of the statement under Section 161 Cr.P.C., is not permissible because same cannot be termed as proper evidence, under the definition of ‘evidence’ as per the provisions of the Indian Evidence Act. It is only the substantive statement/evidence before the Court which is considered as a proper evidence, requiring its analysis to find out the culpability of the accused before it. Thus, prayed that the impugned summoning order is liable to be set aside being not sustainable.

11. Mr. Rakesh Nehra, Senior Advocate, for respondent No. 2-complainant while defending the impugned summoning orders submits that the parameters laid down by Hon’ble the Supreme Court in **Hardeep Singh**



v. State of Punjab, (2014) 3 SCC 92, have been completely observed, and thereupon the petitioners herein have been summoned. Thus, Mr. Nehra supports the observations made by learned Trial Court, and prays for dismissal of the revision petitions.

12. I have heard the arguments and gone through the record of both the revision petitions.

13. Statements of two of the material witnesses, i.e. Injured – Ajit Singh (PW-3) and complainant – Chandi Ram (PW-4), have already been reproduced here-above. From the FIR as well as both the statements before the Court, it is very much clear that injured witness – Ajit Singh has explained about the incident dated 16.11.2022, as he was not the witness to overhearing of the conspiracy on 31.10.2022.

By reading out the statement of complainant – Chandi Ram (PW-4), it is found that he has much explained about the conspiracy, having been overheard by him, by the named accused, i.e. Vikas, Vikram, Abhimanyu, Balraj, Jora, Raj Kumar, Mohit, Rohit, son of Raj Kumar, Uppan, Sukhbir, Anil, Nupar, and Pawan.

14. On reading of the impugned order, this Court finds that the argument addressed by the learned counsel for the petitioner(s) carries some force because for summoning of the six additional accused, statement of injured – Ajit Singh (PW-3) has been noticed by the learned Trial Court, but not an iota of discussion is there qua the statement suffered by the complainant – Chandi Ram (PW-4).



15. From the statement of Injured – Ajit Singh (PW-3), it also becomes clear that while explaining the actual incident dated 16.11.2022, names of Uppan and Raj Kumar are though mentioned by him, but other names, i.e. Jora Singh, Vikram, Balraj and Mohit, have not been pointed out by him.

16. For ready reference, the provision of Section 319 Cr.P.C. (now Section 358 of BNSS, 2023), is reproduced as under:-

“319. Power to proceed against other persons appearing to be guilty of offence.

(1) Where, in the course of any inquiry into, or trial of, an offence, it appears from the evidence that any person not being the accused has committed any offence for which such person could be tried together with the accused, the Court may proceed against such person for the offence which he appears to have committed.

(2) Where such person is not attending the Court, he may be arrested or summoned, as the circumstances of the case may require, for the purpose aforesaid.

(3) Any person attending the Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of the inquiry into, or trial of, the offence which he appears to have committed.

(4) Where the Court proceeds against any person under Sub-Section (1) then-

(a) the proceedings in respect of such person shall be commenced afresh, and witnesses re-heard;

(b) subject to the provisions of clause (a), the case may proceed as if such person had been an accused person when the Court took cognizance of the offence upon which the inquiry or trial was commenced.”



17. To the view point of this Court, Legislation has given an absolute power to the Court to enable it to proceed qua other persons also, by summoning them as additional accused. However, un-disputedly, this power is to be exercised judiciously, on the basis of the evidence before it. The Court must satisfy itself while exercising the power that there is strong likelihood of committing of offence by the proposed accused. If that principle is applied to the facts of the present case, learned Trial Court has not given any reason as to why only six of the persons have been summoned as additional accused, without mentioning anything about others who have been left out despite being named by the complainant – Chandi Ram (PW-4) in his examination-in-chief, with similar allegations.

18. Be that as it may. Learned Trial Court is expected to exercise its power enshrined under Section 319 Cr.P.C. for summoning of additional accused, by discussing complete material before it, i.e. statements of both the material witnesses, namely, Injured – Ajit Singh (PW-3) and complainant – Chandi Ram (PW-4) and any other substantive material available on record. Since there is discussion of the statement of Injured witness – Ajit Singh (PW-3) only, and neither any discussion nor observation has been made qua the statement of complainant – Chandi Ram (PW-4), to the view point of this Court, impugned order is worth to be set aside, warranting re-decision.

19. Accordingly, impugned order dated 11.09.2024, passed by learned Additional Sessions Judge, Bhiwani, is set aside as a whole, by issuing a specific direction that complete material be examined again,



**CRR-1957-2024 &
CRR-332-2025 (O&M)**

13

including the evidence of all the material witnesses, and thereupon by its reference, a fresh order be passed on the application under Section 319 Cr.P.C.

20. It is also clarified that one of the additional summoned accused, namely, Raj Kumar, has though not filed any revision petition by assailing the impugned summoning order dated 11.09.2024, but the finding recorded by this Court qua other five additional summoned accused, would extend the benefit to the said additional summoned accused Raj Kumar also. Therefore, a fresh order by the learned Trial Court, by taking into consideration the evidence of complete material on record, including both the aforementioned material witnesses, shall be passed in the case of Raj Kumar also.

21. Let requisite exercise be completed within a period of 45 days from today, before proceeding any further in the already pending trial.

22. Both the criminal revision petitions and pending miscellaneous application(s), if any, are disposed of accordingly.

**(SANJAY VASHISTH)
JUDGE**

March 27, 2025
Pkapoor

Whether speaking/reasoned?	Yes
Whether reportable?	Yes