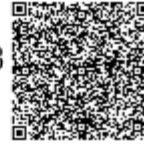


2025:PHHC:156778



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CRM-M-57816-2025 (O&M)
Date of decision: 12.11.2025

SONU ALIAS SONU KUMAR AND OTHERSPetitioner

VERSUS

SAJJANRespondent

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

Present: Mr. Shiv Kumar Rana, Advocate
for the petitioners.

VINOD S. BHARDWAJ. J.(Oral)

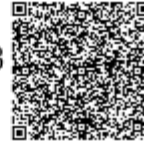
CRM-43476-2025

Application is allowed as prayed for.

CRM-M-57816-2025

The instant petition has been filed for seeking setting aside of the judgment dated 07.08.2025 whereby the Additional Sessions Judge, Bhiwani has set aside the order dated 04.02.2025 passed by the Additional Chief Judicial Magistrate, Bhiwani in Criminal Complaint No. COMI-108-2022 dated 06.07.2022 registered under Sections 323/325/341/326/506 of the IPC read with Section 34 of the IPC titled as “*Sajjan versus Sonu and others*”.

2. Learned Counsel appearing on behalf of the petitioners contends that the respondent-complainant had instituted complaint No. COMI-108-2022 dated 06.07.2022 for offences under Section

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323/325/341/326/506 IPC read with Section 34 IPC titled "*Sajjan versus Sonu and others*". Counsel contends that the petitioners have been arraigned as accused in the aforesaid complaint. On consideration of the evidence led by the respondent-complainant, in support of his complaint, the Additional Chief Judicial Magistrate came to a conclusion that the allegations set out in the complaint had not been fully corroborated for the reason that even though the incident in question is stated to have taken place in a Panchayat, however, no independent witness from the Panchayat had been joined in.

3. The said judgment dated 04.02.2025 in favour of the petitioner was challenged by the complainant before the Court of Sessions Judge. Vide judgment dated 07.08.2025, the Revision No. 29 of 2025 has been allowed by the Additional Sessions Judge, Bhiwani and the matter was remanded to the Additional Chief Judicial Magistrate for passing of a fresh order in accordance with law. The reason assigned by the Additional Sessions Judge, while remanding the case, are to the effect that the version and witnesses of the complainant had been disbelieved solely on the ground that no independent witness had been examined. It was recorded by the Additional Sessions Judge, Bhiwani that merely because the complainant as well as the injured were interested witnesses, the same would not mean that they were deposing falsely. It was observed that the aspect as regards sustainability of a complaint and existence of prima facie case have to be seen from the testimony-duly corroborated by the medical evidence. It was further

**CRM-M-57816-2025 (O&M)****-3-**

the stage of summoning, to examine whether the evidence led by the complainant in support of his case is sufficient to secure a conviction or not. The in-depth examination of the evidence is not to be undertaken at the initial stages. The matter was accordingly remanded to the trial Court to pass a fresh order after considering the position in law.

4. Counsel contends that the Additional Chief Judicial Magistrate had passed the order rightly as the testimonies of the prosecution witnesses were unworthy of acceptance and that the true genesis of the occurrence had not been disclosed. The respondent-complainant having failed in securing independent corroboration, the complaint was rightly dismissed. The judgment of the Additional Sessions Judge is thus wrong and liable to be set aside.

5. I have heard learned Counsel for the petitioners and have also gone through the orders passed by the Courts below.

6. On a perusal of the same, I find that the reasoning adopted by the Additional Sessions Judge, Bhiwani, while remanding the case, is neither misplaced nor based upon mis-appreciation of the evidence. A witness would not be discredited of his evidentiary value merely because of his being an interested witness. Needless to mention that the Court is only required to examine testimony of such a witness with greater circumspection and not expected to impeach such evidence in its entirety for the aforesaid ground alone. Further, the other aspects invariably pertain to merits of the case and being a matter of defence, which, as rightly observed, are not required to be meticulously gone into at the



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cannot be faulted with.

7. Moreover, the petitioners would have all opportunity to raise all their pleas; after the order of summoning is passed, and in the event the petitioners are able to show unimpeachable evidence which would discredit the case of the complainant, such aspect would be duly considered at an appropriate stage by the competent Court and befitting order would be passed. The impugned order being that of remand, I do not find any sufficient grounds to interfere with the said order at this stage. The present petition is accordingly dismissed at this stage with liberty to the petitioner to take all pleas of defence at an appropriate stage before the competent Court in accordance with law.

NOVEMBER 12, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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