



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

208/2

CRR No.2977-2023 (O&M)
Date of Decision: 14.01.2025
.....Petitioner

Narender Kumar

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sidhant Bhonsle, Advocate for the petitioner.

Mr. Ashok Singh Chaudhry, Addl.A.G, Haryana.

Mr. Inderjeet Singh, Advocate for respondent Nos.2 to 5.

MAHABIR SINGH SINDHU, J.

Present petition has been filed against the impugned order dated 22.09.2023 passed by learned Additional Sessions Judge, Yamuna Nagar vide which application filed by petitioner/complainant under Section 319 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for summoning Ashok, Jasbir, Vinod, Harsh @ Sikander, Sudesh, Roni @ Amit and Satish as additional accused in FIR No.99 dated 12.03.2022, registered under Sections 323, 506 read with 34 of Indian Penal Code, 1860 (for short, 'IPC') (Section 302 added later on) at Police Station Bilaspur was partly dismissed *qua* Harsh @Sikander, Sudesh, Roni @ Amit and Satish.

2. BRIEF FACTS

2.1 One FIR No. 99 dated 12.03.2022 (*supra*) was registered by petitioner/complainant, namely, Narender Kumar with the allegations that on 11.03.2022, his uncle, namely, Sheo Ram had parked the vehicle in front of petitioner's house.



2.2. On that day, at 8.00 p.m., petitioner's father (Sher Singh) had some altercation with above Sheo Ram as well as his son, namely, Inderjeet Singh on account of parking the vehicle.

2.3 After some time, Sheo Ram as well as his son-Inderjeet Singh, armed with *lathis*, started abusing complainant's father (Sher Singh) and gave him *lathi* blows on the head. After hearing the noise, petitioner alongwith his mother, namely, Guddi came in the street to save his father, but they were also assaulted by above-said Sheo Ram and Inderjeet Singh. Meanwhile, Jamero, Nirmla, Ashok, Jasbir and Vinod also reached on the spot and gave leg as well as fist blows to them.

CONTENTIONS

3. ON BEHALF OF THE PETITIONER

3.1 Contends that since 19.03.2022, petitioner made continuous efforts so that names of all the accused persons become part of his statement. Also contends that only after a gap of about two and a half months, his supplementary statement was recorded by the police on 02.06.2022, wherein he specifically mentioned names of respondent Nos. 2 to 5 i.e. Harsh @ Sikander, Sudesh, Roni @ Amit and Satish, respectively as co-accused and attributed definite roles to each of them.

3.2 Further contends that final report under Section 173 of Cr.P.C. was presented by the investigating agency on 19.06.2022 and other 03 co-accused i.e. Ashok, Jasbir and Vinod were kept in column No.2 thereof.

3.3 Again contends that during the course of trial, an application under Section 319 Cr.P.C. was moved by the petitioner for summoning of 07 accused, namely, Ashok, Jasbir, Vinod, Harsh @ Sikander, Sudesh, Roni @ Amit and Satish, which was partly allowed, but dismissed *qua* Harsh, @



Sikander, Sudesh, Roni @ Amit and Satish (respondent Nos. 2 to 5). Also contends that petitioner categorically named and attributed specific roles to above respondents in his supplementary statement as well as during examination-in-chief.

4. **ON BEHALF OF RESPONDENT-STATE**

4.1 *Per contra*, learned State counsel submits that impugned order has rightly been passed by learned trial Court and does not warrant any interference.

5. **ON BEHALF OF RESPONDENT NOS. 2 TO 5**

5.1 Learned counsel for respondent Nos. 2 to 5 has also opposed the prayer while submitting that intention of petitioner is only to delay the proceedings pending before learned trial Court.

6. Heard learned counsel for the parties and perused the record.

7. **DISCUSSION AND OBSERVATIONS**

7.1 Learned trial Court while passing the impugned order dated 22.09.2023, *inter alia*, observed as under:-

“9. However, as regards, the persons whose name figured for the first time in the supplementary statement of Narinder (complainant) on 02.06.2022 i.e. after about 2 and half months of the incident in question without attributing any specific role, it creates doubt in the mind of the court.

10. While stepping into witness box, PW1 Narinder has further improved his statement and has alleged that accused Harsh @ Sikander had given injury on the head of deceased Sher Singh. On scrutiny of MLR of Sher Singh, this court finds that there is only one injury on the head of Sher Singh (since deceased). The said injury stands already attributed to accused Inderjeet and Sheo Ram who are already facing trial.



As regards, Satish, no overt act either in the statement under Section 161 CrPC or while stepping into witness box has been attributed by PW1 Narinder (complainant).

The MLR of Guddi (mother of complainant) is not on record. As per FIR and statement under Section 161 CrPC, she was given injuries by Nirmala and Jamero against whom challan has already been presented. Now, it is being projected by prosecution that Sudesh and Roni @ Amit had also caused injuries to her. In absence of any MLR, pertaining to Smt. Guddi (mother of complainant), it is beyond comprehension as to how the said accused are being sought to be summoned by the complainant party.

11. In nutshell, this court finds that persons namely Sikander @ Harsh, Sudesh, Satish, Roni @ Amit are sought to be summoned as additional accused by the prosecution as a result of over anxiety on the part of the complainant party. This court finds this to be an attempt to web the net large to implicate all the family members of accused party in the present case. Both the parties are related to each other and it cannot be urged that they were not aware of their name at the first instance being dispute of identity. Their names did find mention in the statement of eye witness namely Priya recorded after 3 days.”

7.2 Perusal of the above extract reveals that sufficient reasons have been assigned by learned trial Court while passing the impugned order.

7.3. Apart that, neither in the initial version; nor from investigation, it is discernible that any prosecution witness uttered even a word about the complicity of respondent Nos. 2 to 5 in the alleged occurrence. It is only for the first time that on 02.06.2022 the supplementary statement (P-5) was made by petitioner regarding the involvement of above respondents.

7.4 Even Guddi and Priya (wife and daughter, respectively of the deceased) did not name respondents No. 2 to 5 as the assailants. Thus, it is



implicate all the family members of accused party.

7.5 Consequently, this Court does not find any material irregularity and/or illegality committed by learned trial Court while passing the impugned order.

8. In view of the above, there is no option except to dismiss the present revision petition.

9. Ordered accordingly.

10. Needless to say that above observations be not construed as an expression of opinion on the merits of the case, in any manner.

Pending application(s), if any, shall also stand disposed off.

14.01.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No