

2026:PHHC:041465



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRR 186 of 2023

Date of Decision: 16.03.2026

Sheela

...Petitioner(s)

Vs.

State of Haryana and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Ajit Singh Lamba, Advocate for the petitioner.

Mr. Rajinder Kumar Banku, Sr. DAG, Haryana.

Mr. Manish Kumar Singla, Advocate, for respondent No. 2.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition against the impugned order dated 07.12.2022 passed by the Court of Additional Sessions Judge, Hisar, whereby the application under Section 319 Cr.P.C., for summoning Lachman, respondent No. 2, was ordered to be dismissed by the trial Court.

2. While issuing notice of motion on 19.01.2023, this Court had noticed the following contentions raised by the learned counsel for the petitioner:-

"It has been submitted by counsel for the petitioner that the complainant and other eye witnesses have been subsequently named Lachman armed with Jailey and giving blow on the head of the mother-in law of the complainant and thus, injury was declared dangerous to life constituting offence under Section 307 IPC. He has submitted that

respondent No.2 was declared innocent during investigation by the Investigating Agency on the basis of tainted investigation. He has submitted that respondent No.2 is a Government employee and his place of posting is hardly at a distance of five minutes run from the place of occurrence. He submits that the log-book relied upon by the Investigating Agency showing his presence at the place of his posting is totally a fabricated record and the same was not sufficient enough to discard the version of the injured eye witnesses, who have specifically named him to be the main accused in the occurrence. He submits that the learned trial Court has failed to appreciate the law settled by Hon'ble Supreme Court in Hardeep Singh vs. State of Punjab, 2014(1) RCR (Criminal) 623 and thus, has illegally dismissed the petition”.

3. During the course of arguments, learned counsel for the petitioner has reiterated the above submissions. Learned counsel for the petitioner further submits that even in the report under Section 173 Cr.P.C., the police has assigned no reasons for declaring the respondent No. 2 as innocent. Even, the investigating agency overlooked the fact that the injury caused by respondent No. 2 on the person of Laxmi Devi had been declared to be dangerous to life. The respondent No. 2 had raised the plea of *alibi*, which is a disputed question of fact and could be proved only during the course of trial. Apart from that, even the alleged place of posting was hardly 5-7 minutes away from the place of occurrence and he had participated in the occurrence. Thus, the application filed by the petitioner has been wrongly declined by the trial Court.

4. On the other hand, learned counsel appearing on behalf of respondent No. 2 has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the detailed investigation was conducted by the police and it was found that the respondent No. 2 was on duty at Shekhpura Dhani, Kendu, water supply tubewell, and as per the logbook, he remained on duty from 6 p.m. to 7:30 p.m. on 15.05.2018. Thus, the trial Court has rightly dismissed the application under Section 319 Cr.P.C.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the FIR was initially registered on the basis of the statement made by Sheela, the present petitioner, and in the first version itself, it was specifically mentioned that the petitioner also reached along with other accused at the spot and had actively participated in the commission of the crime. During the course of investigation, the statement of Laxmi Devi injured was recorded under section 161 Cr.P.C. and she categorically stated that respondent No.2 was carrying a *jelly* in his hand (multi-pronged weapon), and had caused an injury on the head of Laxmi Devi.

7. From the medical record, it is apparent that the said allegation was corroborated and the injury suffered by Laxmi Devi on her head was declared to be dangerous to life. Apart from that, during the course of trial also, Sheela was examined as PW1 and she also stated that the respondent No. 2 gave a blow with a *jelly* on the head of Laxmi Devi and the said injury was declared to be dangerous to life. Thus, the

specific allegation was levelled against the petitioner and the said allegation was substantiated by medical evidence as well. In the present case, the trial Court dismissed the application under section 319 Cr.P.C. on the ground that Lachman was on duty at the Shekhpura Dhani Kendu, water supply tubewell and as per the logbook, he remained on duty from 6 a.m. to 7.30 p.m. on 15.05.2018.

8. During the course of arguments, learned counsel for the petitioner submitted that the said water supply tubewell is at a distance of about 1.5 kilometres and the distance from the water supply tubewell to the village could be covered in less than 5 minutes. Thus, the trial Court had overlooked this material aspect of the matter and wrongly dismissed the application under section 319 Cr.P.C.

9. In view of above discussion, the present revision petition is allowed and the impugned order dated 07.12.2022 passed by the Court of Additional Sessions Judge Hisar is set aside and the respondent No.2, namely Lachman son of Ganga Bishan, respondent No.2, is ordered to be summoned to face trial along with other accused.

10. All pending applications, if any, are disposed off, accordingly.

16.03.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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