



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

(225)

CRR-631-2023(O&M)

DATE OF DECISION: 05.02.2026

Deepak @ Dippi

.....Petitioner

VERSUS

State of Haryana and another

.....Respondents

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present

Mr.Ashit Malik, Sr. Advocate,
with Mr. Abhinav Kansal, Advocate,
for the petitioner.
Mr. Ramender Singh Chauhan, Asstt. AG, Haryana.
Mr. Gurinder Singh Dhillon, Advocate,
for respondent no.2.

SUBHAS MEHLA, J (ORAL)

CRM-44263-2025

Prayer in the present application is for pre-ponment of the date of hearing in the main case from 11.02.2026 to 16.12.2025 when petition for bail filed by Sandeep Soda @ Lucky vide CRM-M-3364-2025 is fixed for hearing since both arise from FIR No.50 dated 16.02.2021, under Sections 148/149/323/324/326/307/302/452 and 506 IPC, registered at Police Station Baldev Nagar. The main case is fixed for 11.02.2026.

Heard.

For the reasons mentioned in the application, main case is taken on Board today itself.

CRM-44262-2025

Application is for placing on record Annexure P-17 as well as exemption from filing the certified copy Annexure P-17.

Allowed, as prayed for.

Annexure P-17 is taken on record subject to all just exceptions.

**CRR-631-2023(O&M)****2**Main case

1. Present revision petition has been filed impugning the order dated 04.01.2023 passed by learned Additional Sessions Judge, Ambala, whereby, application filed by complainant under Section 319 Cr.P.C to summon **Ruby Sauda** as additional accused alongwith the accused already facing trial in a case FIR No.50 dated 06.02.2021, under Sections 148, 302, 307, 323, 324, 326, 452, 506 read with Section 149 IPC, registered at Police Station Baldev Nagar, Ambala, was dismissed.

2. Succinctly facts of the case are that FIR in the present case was lodged by complainant-respondent No.2 namely Deepak @ Dippi. It was alleged that he (complainant-respondent no.2) is a labourer and resident of H.No. 1266, Goverdhan Nagar, District Ambala. They are two brothers. His younger brother Arun @ Annu is aged about 27 years and is unmarried. On 16.2.2021 at about 6.30/7.00 PM, he along with his mother Smt. Sudha Rani had reached Goverdhan Nagar, Ambala after getting medicines of his mother from Kurukshetra when on the way Rishi son of Subhash and Rajender son of Tek Chand were standing in the street and feeding a pig. He asked them to park their car on the side in the street. Both of them abused him and said that he should stay in his limits otherwise they will finish him. Thereafter, he requested them with folded hands that they should not talk like this before his mother. His father also alighted from the car and with folded hands pleaded that they were quarreling without any reason. Then his father sent him and his mother Sudha back home. After some time, his father also came home. After some time, 8-10 boys included Rishi, Lucky, Rimpi sons of Subhash, Rajender son of Tek Chand, Aaku son of Rajinder, Sagar son of

**CRR-631-2023(O&M)****3**

son of Raju, residents of village Goverdhan Nagar, Ambala City armed with swords, dandas and weapons attacked complainant's house. Rishi was carrying knife in his hand and gave a blow on the neck of his brother and he gave a second blow on his chest. Lucky was having a sword in his hand and he gave a blow with it on the left side rib of his brother. Rimpi was having an axe type weapon in his hand and he gave a blow on the left temple of his brother. Rajender gave a kick blow on the testicles of his brother. His father has also suffered knife injuries. The three brothers and Rajender also caused injuries to his father with knives and sword. When he tried to rescue then Aakash son of Raju who was having a gandasa' type weapon in his hand gave a blow with it upon him and he suffered an injury on his left arm. Aaku son of Rajender, Sagar son of Rajender, Vishnu son of Dharampal and Sagar son of Dharampal have also badly beaten them. Some of them had caught hold them and some were beating them badly. Ruby Sauda also came at the spot while waving a stick in her hand and she also gave severe beatings. She said that now she is an M.C. and she will teach them a lesson by getting them thrown out of the locality. All those persons in a pre- planned manner have attacked their home and caused injuries to him and his father and gave fatal injuries to his brother Arun @ Annu and murdered him. On the registration of the FIR, the investigation commenced. On completion of the investigation, the challan was presented by the Investigating Agency qua accused, namely, Sandeep @ Lucky, Shakti @ Rimpi, Rishi, Aakash @ Guddu, Vishnu and Sagar on 04.05.2021 and thereafter on 02.07.2021 report under Section 173 Cr.P.C was also filed against Rajender Kumar son of Tek Chand, Aakash Kumar @ Akku and Sagar sons of Rajender Kumar under

**CRR-631-2023(O&M)****4**

In report under Section 173 Cr.P.C dated 02.07.2021, it has been mentioned that accused Ruby Sodha is yet to be arrested and investigation is continuing against her

3. During the trial, the prosecution examined complainant Deepak @ Dippi as PW-1, who deposed before the trial Court regarding the complicity of the accused as was alleged in the FIR. Thereafter, an application under Section 319 Cr.P.C. for summoning **Ruby Sodha** to face trial alongwith co-accused, was filed. On hearing, learned Additional Sessions Judge, Ambala declined the application vide impugned order dated 04.01.2023. Aggrieved by the same, the complainant is before this Court by way of filing the present revision petition.

4. Learned counsel for the petitioner contended that the impugned order dated 04.01.2023 is illegal, improper and incorrect and is liable to be set aside; respondent no.2-Ruby Sodha, who is sought to be summoned under Section 319 Cr.P.C has been specifically named in the FIR and she has actively participated in the commission of crime; specific role has been attributed to her in the FIR wherein she came to the spot with a stick and gave beatings to complainant/petitioner Deepak @ Dippi and others and also gave threats; petitioner/complainant while appearing as PW1 has specifically named Ruby Sodha to have accompanied the other accused and gave beatings to the complainant and his other family members; that post mortem examination report of Arun reveals numerous injuries; on police application, statement of Ruby Sodha was recorded by JMIC, Ambala on 13.01.2022 wherein she did not object to lie detector test, on which application for her lie detector test was allowed and as per its report, she was



test, police wanted to arrest Ruby Sodha; that solely on the basis of report of lie detector test, Ruby Sodha cannot be declared innocent. He, thus, submits that the view taken by learned Sessions Court, is against the evidence on record and the law settled. He has submitted that the statutory power under Section 319 Cr.P.C. is an extraordinary power, which is there to prevent the miscarriage of justice, however, the Court below has failed to appreciate the same and thus, rejected the application/revision petition under Section 319 Cr.P.C. filed by the petitioner in a mechanical manner. He has submitted that learned Court below has failed to appreciate the law settled by Hon'ble Supreme Court in case of **Hardeep Singh vs. State of Punjab and others, (2014) 3 SCC 92** and hence, the impugned order dated 04.01.2023 declining the application under Section 319 Cr.P.C. filed by the petitioner-complainant for summoning the respondent No.2, deserves to be set aside.

5. On the other hand, learned counsel for respondent no.2 opposed the petition by submitting that the petition filed by the petitioner is false and frivolous; the petitioner just to settle his score, has involved all family members of opposite party and has not even spared lady member, who was not present at the spot; even lie detector test of **Ruby Sodha** was conducted wherein nothing against her was found, hence, prayer for dismissal of the petition is made.

6. Heard.

7. After hearing the contentions of learned counsel for both the parties and perusing the material available on record, this Court does not find any illegality or impropriety committed by learned Trial Court in passing the impugned order. Though name of respondent no.2 finds mention



PW-1 before learned trial Court, complainant / petitioner has narrated the same version as is there in the FIR qua the occurrence. On perusal of FIR and statement given by complainant in his Examination in chief as PW-1 it is manifestly clear that complainant has not attributed any specific role to the respondent no.2, however specific roles as well as specific injuries have been attributed by her to the other accused named in FIR. Moreover, investigating agency has not forwarded respondent no.2 to face trial on ground of lack of incriminating material and even in the report of lie detector test, undergone by respondent No.2, nothing incriminating could come to fore qua her involvement in the alleged occurrence. In view of the aforesaid discussion, this Court finds merit in the contention of the learned counsel for respondent no.2 that just to settle the score, the petitioner has roped in all the family members of the opposite party including ladies.

8. In Hardeep Singh v. State of Punjab, (2014) 3 SCC 92 the Constitution bench of the Supreme Court has held as under:

"105. Power under Section 319 CrPC is a discretionary and an extraordinary power. It is to be exercised sparingly and only in those cases where the circumstances of the case so warrant. It is not to be exercised because the Magistrate or the Sessions Judge is of the opinion that some other person may also be guilty of committing that offence. Only where strong and cogent evidence occurs against a person from the evidence led before the court that such power should be exercised and not in a casual and cavalier manner.

106. Thus, we hold that though only a prima facie case is to be established from the evidence led before the court, not necessarily tested on the anvil of cross-examination, it requires much stronger evidence than mere probability of his complicity. The test that has to be applied is one which is more than prima facie case as exercised at the time of framing of charge, but short of satisfaction to an extent that



the evidence, if goes unrebutted, would lead to conviction. In the absence of such satisfaction, the court should refrain from exercising power under Section 319 Cr.PC. In Section 319 Cr.PC the purpose of providing if "it appears from the evidence that any person not being the accused has committed any offence" is clear from the words "for which such person could be tried together with the accused". The words used are not "for which such person could be convicted". There is, therefore, no scope for the court acting under Section 319 CrPC to form any opinion as to the guilt of the accused."

9. Revisional jurisdiction of the High Court, is supervisory, and is limited in scope. It can be exercised only to rectify manifest illegalities, jurisdictional errors, or grave miscarriage of justice. The court generally intervenes when the order is perverse, ignores material evidence, reflects patent illegality, or demonstrates a clear disregard for settled principles of law, leading to miscarriage of justice. However, while exercising such powers, the High Court cannot re-appreciate evidence unless there is grave error or impropriety in the decision of the Trial Court. Thus, revisional jurisdiction cannot be invoked when there is compliance with the provisions of law, and judicial discretion has been exercised judiciously. In ***State of Kerala v. Puttumana Illath Jathavedan Namboodiri, 1999 (2) SCC 452***, the Supreme Court held as follows:

In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of Supervisory Jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated with the power of an Appellate Court nor can it be treated even a second Appellate Jurisdiction. Ordinarily,



therefore, it would not be appropriate for the High Court to re-appreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to gross miscarriage of justice.

10. Taking into consideration the overall material available during the course of trial, the learned trial Judge was justified in giving its finding in the impugned order. The evidence of summoning an additional accused should be of such nature from which it can be seen that if the evidence recorded during the course of trial remain unrebutted, there are chances of conviction of the proposed accused persons and mere prime facie evidence is not sufficient to summon the additional accused.
11. Weighing the facts and circumstances of the present case on the Anvil of law settled by the Hon'ble Supreme Court, this Court is of the opinion that the Revisional Court have rightly declined the application for summoning the respondent no.2 - accused, as it would be nothing but a futile exercise and would defeat the ends of justice. Resultantly, the present petition is dismissed being devoid of any merit.

05.02.2026
mamta

Whether speaking/reasoned
Whether reportable

(SUBHAS MEHLA)
JUDGE

Yes/No
Yes/No