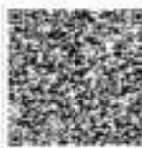


2026:PHHC:048081



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

SR. NO.102

CRM-M-52620-2022

DATE OF DECISION:23.03.2026

ATTAR SINGH AND OTHERS

...PETITIONER(S)

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENT(S)

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

Present: Mr.Ankur Lal, Advocate
for the petitioners.

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

Mr. Ashok Kaushik, Advocate
for respondent No.2.

N.S. SHEKHAWAT, J.

1. The petitioners have filed the present revision petition against the impugned order dated 03.10.2022 (Annexure P-1) passed by the Sessions Judge, Palwal, whereby the Revisional Court directed the trial Court to pass a fresh order as well as the subsequent order dated 29.10.2022 passed by the JMIC, Palwal, vide which the petitioners were ordered to be summoned under Section 319 Cr.P.C. to face trial under Sections 148/149/323/325/506 IPC along with already arraigned accused.

2. Learned counsel for the petitioners vehemently argued that the petitioners have been falsely implicated in case FIR No.77 dated 13.03.2016

registered under Sections 148/149/323/325/452/506 IPC at Police Station Chandhut District Palwal and the same has been reproduced below:-

“Complainant works as a labourer and is a peace loving person. Ranjit is a real son of the complainant, who is 16 years old and is a student. 2. On 23.02.2016 at about 6.30 AM complainant’s son Ranjit went to drink water at the hand pump in front of the house, where Kumar Pal, son of Bhikhan, falsely alleged that applicant was urinating himself in the street and on this he was abusing and when Ranjit told him not to abuse him, he said that till now I am only abusing, you stay here some time and I will come back to kill you. After saying this, he went from there and after some time, the above culprits came with sticks-danda and weapons in their hands and entered the complainant’s house, where family members were sitting and having food. As soon as the accused entered the house, Kumarpal raised lalkara that Ranjit be killed. On this Attar Singh, son of Bhikhan, struck on the head of Ranjit with sariya with the intention to kill him and Rameshwari, wife of Attar Singh, took a lathi in her hand and hit on the right hand elbow of Ranjit. And Hansraj's was attacked on the head, left hand, shoulder and waist by Sukhbir son of Hari Chand and Satto wife of Raj Kumar with sticks and saria in their hand. 3. Ram Hans @ Rinku was hit on the head and in the waist by Braham son of Jayaram and Jayraj son of Kishan Lal with the weapons in their hands and hits. 4. Shivaji son of Bhikan hit Sonia wife of Jaswant Singh with Saria in the right foot and Vasudev son of Bilakan beaten Sonia up with kick and fist blows. 5. Hari Chand son of Chhotay Lal (complainant) and Surjit son of Harichand, Vishnu son of Bhikhan, Salender @ Salu son of Harichand and Kumarpal son of Bhikhan with armed weapons in their hands caused injuries to complainant and also gave beatings with fist/kick blows. 6. That when we raised alarm ‘Mar Diya’ - ‘Mar Diya’ then Jaswant Singh son of Tekchand and Mahabir son of Sukhram @ Sukkan resident of Hidayatpur and other

villagers saved us from the culprits, otherwise the culprits would have killed us., The culprits, while leaving, stated that 'today you have been saved'. If we get an opportunity, you will be killed'. Jaswant and Mahabir admitted us for treatment in the government hospital Palwal, where our medical treatment took place, from where we were referred to B K Hospital, Faridabad, and from there, given our serious condition, we were referred to the Safdarjung Hospital, Delhi. The situation of Ranjit is still serious. MLR'S, CT SCAN, NCCT Head copy is enclosed. 7. That we have given information of this event to police and have also given an application but the police did not take any action against the guilty. 8. Even today the above culprits threaten to kill complainant and saying 'you have given the application to police against us, we have access to the top, you can not spoil anything of us'. 9. That this falls under police station Chandhat, District Palwal and hence the valid court has the right to hear or to assent. 10. That court fee of Rs.10/- has been affixed. Sir, It is, therefore, requested that the case under Section 148, 149, 323, 325,452,307,506 IPC be registered against the accused which should be awarded a strict punishment by registering a case under 156(3) CRPC, you will be very kind. Complainant Kanhaiya Lal son of Chandi Ram, resident of village Hidayatpur, Police Station Chandhat, Tehsil and District Palwal through Ved Prakash Gaur Advocate, Palwal."

3. Learned counsel next submitted from a perusal of the complaint, it was apparent that the complainant had levelled allegations against 14 persons including the present petitioners. After the registration of the FIR, it was revealed that no offence under Sections 452 and 307 were made out and those two Sections were deleted during investigation. Even the facts were verified by the SHO of the Police Station and it was found that all

the four petitioners were not present at the place of occurrence and had no

complicity in the alleged commission of crime. Further, it was also found that as per the MLRs of Ranjeet and Kanhiya, both injured, they had suffered injuries at almost identical sites. It was also found that Kanhiya had not suffered these injuries and had manipulated false medical reports and after getting his medical examination done, the report of Kanhiya may be corrected accordingly. Both the above-said injured were informed in this regard and both of them were directed to appear before the Board of Doctors and to get their reports corrected, but the complainant Kanhiya and Ranjeet refused to go with the police and to get their reports verified from the doctors. Thus, the medical reports were falsely manipulated.

4. Learned counsel next submitted that after recording the statement of the complainant, an application under Section 319 Cr.P.C. was moved to summon the petitioners. However, the said application was dismissed vide order dated 11.10.2021. Feeling aggrieved against the said order, the complainant filed the revision petition before the Sessions Court, which was allowed vide impugned order dated 03.10.2022 (Annexure P-1) and the matter was remanded back to the trial Court to pass a fresh order. Now, against the impugned order dated 29.10.2022 (Annexure P-3), the petitioners have been summoned under Section 319 Cr.P.C. to face trial in the present case.

5. On the other hand, learned State counsel submitted that the petitioners were found innocent and also referred to the averments made in para 3 and 4 of the report, which have been reproduced below:-

3. That further investigation of the case was carried out by Mahender Singh, Inspector/SHO, P.S Chandhut and he visited the place of occurrence and carried out investigation and verifications from villagers and found that the occurrence took

place outside the house of the complainant, therefore, the offence under section 452 IPC was deleted from the case on 7.4.2016. In addition to this, it was found that Attar Singh (petitioner no.1) was not involved in the occurrence as he was with Sravan Kumar Master and Bijender son of Sukha at relevant time. Rameshwari Sarpanch (petitioner no.2) was away at her maternal uncle's (MAMA) house in UP. Satto (petitioner no.3) and Sukhbir (petitioner no.4) were at their respective houses at relevant time and they were not involved in the occurrence. Therefore all of these four persons were found innocent and let off the case by Mahender Singh, Inspector/SHO on 7.4.2016.

4. That during the course of further investigation the medical records including discharge summary, NCCT report etc. of the injured were collected from the quarter concerned and taken on record. It was found that only Sonia injured underwent X-ray examination at GH Palwal and therefore her X-ray report was obtained on 12.5.2016 and no bony injury was reported therein. On the same day, a medical opinion regarding the nature of the injured was sought from the Board of Doctors at GH Palwal after producing all of the collected medical records before it and the said board of doctors found discrepancy/mismatching in the medical records of injured Kanhiya and Ranjeet and mentioned that the injuries of Kanhiya and Ranjeet are identical on record and suggested to get the same reconciled by the authority concerned besides getting the same corrected. Accordingly the medical record was corrected during the course of investigation.”

6. Before proceeding further, it would be apposite to refer to the provisions of Section 319 Cr.P.C., which read 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.

7. Applying the above-said provisions of Section 319 Cr.P.C. to the facts of the present case, the matter was examined in detail by the police and after a detailed investigation, it was found that all the four petitioners were not present at the place of occurrence. In fact, Attar Singh (petitioner no.1) was with Sravan Kumar, Master and Bijender and had not come to the place of occurrence. Rameshwari Sarpanch (petitioner no.2) was away at her maternal uncle's (MAMA) house in UP. Similarly, Satto (petitioner No.3) and Sukhbir (petitioner No.4) were at their respective houses at relevant time and had not participated in the alleged occurrence. Even

sufficient evidence was placed by the police in this regard and detailed

findings were recorded by the trial Court, while dismissing the application filed under Section 319 Cr.P.C..

8. While passing the impugned order, the Sessions Judge wrongly held that the petitioner had raised a plea of alibi rather it was established during investigation that the petitioners were not present at the place of occurrence and it can never be said that they had raised the plea of alibi. Even there was sufficient evidence to show that all the petitioners were not involved in the occurrence and thus, it can be safely held that the present petition deserves to be accepted.

9. In view of the above, the present petition is allowed and accordingly, the impugned order dated 03.10.2022 passed by Sessions Judge, Palwal and the order dated 29.10.2022 passed by JMIC Palwal are ordered to be set aside.

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

23.03.2026
mks

(N.S.SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO