



CRR-800-2024  
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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR-800-2024  
Decided on: 07.07.2025

Krishan @ Krishan Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Baljeet Beniwal, Advocate  
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Bhupinder Singh, Advocate for  
Mr. Vishal Nehra, Advocate  
for respondent No.2.

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ANOOP CHITKARA, J.

1. Petitioner has come up before this Court by filing the present criminal revision petition u/s 401 CrPC, challenging the impugned order dated 07.02.2024 passed by the Sessions Judge, Palwal, whereby petitioner was summoned to face trial in FIR No.117 dated 01.05.2023 registered under Sections 307 & 34 IPC & 25-54-59 of Arms Act (later on added 201 IPC and deleted 34 IPC), at Police Station Mundkati, District Palwal.

2. The facts of the case are being taken from the impugned order which reads as follows:-

*“In brief, the facts of the case are that an FIR was got lodged by Bijender. As per complainant's version on 29.04.2023 when he was purifying: C water in his RO Plant situated at village Manpur then at around 11:00 p.m. Lali and Krishan (brothers) came there on one motorcycle. Then Lalit with an intention to kill fired a shot on his back, due to impact he fell down on the earth then Krishan gave kick and punch blows to the complainant. Thereafter, both the accused fled away from the spot on same motorcycle alongwith weapon Complainant raised hue and cry, at that his nephew Ranvir came there and go admitted him in the Government Hospital. Accordingly, FIR in question was registered.”*

3. I have heard counsel for the parties and gone through the record and its analysis would lead to the following outcome.



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4. Police received the information on 30.04.2023 qua the incident and registered the FIR and after due investigation, the police recovered a local country made pistol from Dinesh @ Lalit. On 29th July 2023, police arrested Dinesh @ Lalit in the FIR and police report was filed and petitioner was declared as innocent and he was kept in column No.2 wherein challan was filed against Dinesh @ Lalit who is brother of the petitioner.

5. Counsel for the petitioner submits that there is a delay of one day in registration of FIR and he was named after due deliberation due to village politics, he is innocent and was not present at the spot. He further submits that police absolved him during investigation as no role attributed to him.

6. On the other hand, counsel for the State and complainant oppose the petition on the ground that petitioner was named in the initial version by the injured and subsequently in his statement before the Court, therefore there is no illegality in the order of summoning by the trial Court. As concerned for the delay in registration of FIR is not correct as incident occurred on 29.04.2023 at 11 PM and FIR was registered on 30.04.2023, as such, there is no delay. Counsel for the complainant further submits that there is specific attribution to petitioner, more over common intention is enough for the trial Court to summon the petitioner. As such, there is no illegality in the order and petition deserves dismissal.

7. An analysis of the arguments would lead to the following outcome. There's prima facie evidence and allegation against Krishan that he was accompanying his brother. It is further alleged that after his brother had fired, the petitioner further aggravated by giving kicks and fist blows. It is altogether different matter that whether the petitioner was aware that his brother was carrying a *katta*, but the fact remains that after the petitioner's brother had fired upon the victim, the petitioner gave fist and kick blows, which clearly point towards common intention. Thus, there is a prima facie sufficient evidence about the presence of the petitioner at the spot and subsequently his giving beatings to the victim. It is for the petitioner to demonstrate after analysing the prosecution evidence that he was falsely implicated. For the purpose of 319 CrPC, it was absolutely legal on the part of the Sessions Judge to have allowed the application and order the petitioner to summon as one of the accused. Needless to say that any observation made by the Sessions Court or by this Court shall not be referred to against the petitioner at the time of trial on framing of his charges. But in the entirety of facts and circumstances, this court does not find any illegality or infirmity in the impugned order, and the present petition is dismissed. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

07.07.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.