



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

Sr. No.113

**CRR-1061-2026
Date of Decision: 29.04.2026**

SAHEED AND OTHERS

...Petitioners

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Sahil Chowdhary, AAG, Punjab.

MANDEEP PANNU, J. (Oral)

1. The present revision petition has been filed against the impugned order dated 31.01.2026 passed by the learned Sessions Judge, Nuh in case No. 23 dated 25.01.2020, registered under Sections 148, 149, 323, 325, 307 and 506 IPC at Police Station Nagina, District Nuh, Haryana, whereby the application moved by the complainant under Section 319 Cr.P.C./Section 358 BNSS was allowed.

2. Briefly stated, the prosecution case was set into motion on the basis of a written complaint submitted by complainant/injured Abdul Majid, resident of Village Karheda, Police Station Nagina, District Nuh, wherein it was alleged that on 21.01.2020 at about 6:00/6:30 PM, his nephew Mustakeem was running/exercising for recruitment in the Indian Army when accused Sehjad allegedly attempted to run a vehicle over him and called his family members to the spot. Upon receiving such information, the complainant along with Abdul Gaffar, Mohammad Rahees and Shoaib



reached near Sharma Ji's factory, where they allegedly found Sehjad along with other accused persons namely Saheed, Shokeen, Rahis, Rahila, Nasir and Aashik, armed with lathis, iron rods and other weapons. It was alleged that Sehjad intentionally drove a Swift Dzire car bearing registration No. HR-28-H-1802 towards the complainant and hit him, causing grievous injuries to his legs, while the remaining accused also caused injuries to the complainant party. On the basis of the said allegations, FIR No. 23 dated 25.01.2020 was registered under Sections 148, 149, 323, 307 and 506 IPC at Police Station Nagina, District Nuh and, during investigation, Section 325 IPC was added. However, after investigation, the police found the present petitioners innocent and deleted Sections 148 and 149 IPC, whereafter final report under Section 173(2) Cr.P.C. was presented only against accused Sehjad. Vide the impugned order dated 31.01.2026, the learned Sessions Judge, Nuh, while deciding an application under Section 319 Cr.P.C./Section 358 BNSS, observed that during trial the prosecution examined complainant Abdul Majid as PW-1, injured Mohd. Rahis as PW-2, Abdul Gaffar as PW-3, eye-witness Mustakeem as PW-5 and Soyab as PW-7, all of whom specifically attributed distinct overt acts to the present petitioners. The trial Court further noticed that the allegations levelled against the petitioners were duly corroborated by the respective medico-legal reports and that there was material on record which was more than a mere prima facie case for summoning them as additional accused. Consequently, holding that sufficient evidence had emerged during trial against the petitioners, the learned trial Court allowed the application under Section 319 Cr.P.C. and summoned Saheed son of Sohrab, Shokeen son of Saheed, Rahis son of



Saheed, Rahila wife of Saheed, Nasir son of Khalil and Aashik son of Khalil as additional accused for offences punishable under Sections 148, 323, 325, 307 and 506 read with Section 149 IPC.

3. Learned counsel for the petitioners has vehemently contended that the impugned order dated 31.01.2026 passed by the learned Sessions Judge, Nuh is wholly illegal, perverse and contrary to the settled principles governing exercise of powers under Section 319 Cr.P.C./Section 358 BNSS. It has been argued that although the petitioners were initially named in FIR No. 23 dated 25.01.2020, yet after a thorough investigation conducted by the police officials, statements of relevant witnesses were recorded under Section 161 Cr.P.C., medical evidence was collected and the site was inspected, whereafter the Investigating Agency found the present petitioners innocent and only accused Shehzad was sent up for trial. It is further contended that the learned trial Court failed to appreciate that the power under Section 319 Cr.P.C. is an extraordinary and discretionary power which is required to be exercised sparingly and only when strong and cogent evidence emerges during trial, as held by the Hon'ble Supreme Court in *Hardeep Singh versus State of Punjab, 2014(1) RCR (Criminal) 623 and Babubhai Bhimabhai Bokhiria versus State of Gujarat, 2014(2) RCR (Criminal) 915*. Learned counsel has further argued that the prosecution witnesses examined by the trial Court are interested witnesses belonging to the complainant side and their testimonies were wrongly relied upon while ignoring the findings of the Investigating Officer. It has also been argued that independent witness Abdul son of Rojdar did not support the prosecution version and the medical evidence only reflects simple injuries in



the nature of abrasions, minor lacerations and complaint of pain, which do not justify summoning of the petitioners as additional accused. On these premises, prayer has been made for setting aside the impugned order.

4. Per contra, learned State counsel has opposed the present revision petition and submitted that there is no illegality, perversity or jurisdictional error in the impugned order passed by the learned trial Court. It has been argued that during the course of trial, specific roles have been attributed to each of the petitioners by the prosecution witnesses and their participation in the occurrence has been clearly established from the evidence led before the Court. Learned State counsel submits that PW-1 Abdul Majid, PW-2 Mohd. Rahis, PW-3 Abdul Gaffar, PW-5 Mustakeem and PW-7 Soyab have consistently named the petitioners and assigned specific overt acts and injuries to them, which are duly corroborated by the medical evidence available on record. It is, thus, contended that the petitioners have been rightly summoned by the learned trial Court while exercising powers under Section 319 Cr.P.C. and the present revision petition deserves dismissal.

5. This Court has heard learned counsel for the parties and perused the record with their able assistance. The scope of interference in revision against an order passed under Section 319 Cr.P.C. is limited and unless the order suffers from patent illegality or material irregularity, the revisional Court would be slow in interfering with the same. The record reveals that the present petitioners were specifically named in the FIR itself and allegations regarding their active participation in the occurrence were levelled from the very inception. During trial, PW-1 Abdul Majid reiterated the allegations



levelled in the complaint. PW-2 Mohd. Rahis specifically deposed that petitioner Saheed inflicted a rod blow on his head and Khalil gave lathi blows to him, which is corroborated by his MLR showing injuries on his head and forehead. Similarly, PW-3 Abdul Gaffar specifically stated that petitioner Shokeen gave lathi blow on his right hand, petitioner Rahis gave lathi blow on his right leg and petitioner Nasir caused injuries on his left hand, which again finds support from the medical evidence. PW-7 Soyab categorically deposed that petitioner Aashik gave lathi blow on his left hand and petitioner Rahila pelted a brick which hit him on his head. Thus, specific overt acts have been attributed to each of the petitioners and the same cannot be said to be vague or omnibus allegations. Merely because the Investigating Agency found the petitioners innocent would not by itself debar the trial Court from summoning them under Section 319 Cr.P.C. once strong evidence surfaces during trial. At the stage of Section 319 Cr.P.C., the Court is required to examine whether evidence has emerged indicating involvement of a person who is not facing trial and not to conduct a mini trial by meticulously appreciating contradictions or possible defences of the accused. The arguments raised by the petitioners regarding credibility of witnesses, nature of injuries, alleged false implication and evidentiary value of defence pleas are all matters to be adjudicated upon during the course of trial after the parties lead complete evidence. At this stage, the consistent testimonies of material prosecution witnesses coupled with medical corroboration provide sufficient satisfaction to justify exercise of powers under Section 319 Cr.P.C. The learned trial Court has passed a well-reasoned order after discussing the evidence of the prosecution witnesses in detail and



this Court does not find any illegality or perversity warranting interference in revisional jurisdiction.

6. Accordingly, the present revision petition being devoid of merit is hereby dismissed and the impugned order dated 31.01.2026 passed by the learned Sessions Judge, Nuh is upheld.

7. However, anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. All pending applications, if any, also stand disposed of.

29.04.2026

Anu

**(MANDEEP PANNU)
JUDGE**

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