

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

CRM No.M- 37486 of 2014(O&M)

Date of Decision: February 6, 2015.

Gurmeet Singh

..... PETITIONER (s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sukhmeet Singh, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

CRM No.1557 of 2015

For the reasons mentioned in the application, the same is allowed and copy of complaint, Annexure P3, is taken on record subject to all just exceptions.

CRM stands disposed of.

CRM No.M-37486 of 2014

This petition has been filed impugning order dated 28.09.2013 passed by the learned Judicial Magistrate First Class, Amloh as well as order dated 06.05.2014 passed by the learned Additional Sessions Judge, Fatehgarh Sahib.

Petitioner had moved a complaint alleging commission of offences punishable under Sections 323/324/506/148/149 IPC by accused No.1 to 6. Learned trial court vide order dated 28.09.2013 (Annexure P1) summoned accused No.1, 2 and 6 to face trial for the offence punishable under Section 323 read with Section 34 IPC. However, accused No.3 to 5 i.e., respondents No.2 to 4 in the present petition, were not summoned on finding that there is no prima facie material to proceed against the said respondents. Petitioner preferred a revision petition against order dated 28.09.2014, which has been dismissed by the learned Additional Sessions Judge, Fatehgarh Sahib on 06.05.2014 (Annexure P2). Hence aggrieved, petitioner has filed the present petition praying that respondents No.2 to 4 should also be summoned to face trial for the offence punishable under Section 323 read with Section 34 IPC.

It is contended that in the complaint (Annexure P3) allegations have been levelled against all the accused persons including respondents No.2 to 4. It is the petitioner's specific case that kick and leg blows were inflicted by the said three respondents. It is, however, conceded that they were not armed.

Medico legal reports of the injured produced in Court today have been perused.

Petitioner and accused No.1 - Bawa Singh are real brothers and accused No.2 – Pargat Singh is son of Bawa Singh. Accused No.6 is son-in-law of Bawa Singh, accused No.1. All the said three persons have been summoned to face trial by the trial court. Respondent No.2 – Manjit Kaur is the wife of accused No.2-Pargat Singh; respondent No.3 – Rimpi is the daughter of accused No.1, Bawa Singh and respondent No.4 – Budha is wife of Bawa Singh.

Having heard learned counsel for the petitioner, I find no infirmity or irregularity in the impugned orders which call for any interference by this Court. In case any other evidence does appear before the learned trial court at a subsequent stage, indicating the involvement of respondents No.2 to 4 in the occurrence, it is always open to the trial court to summon them to face trial alongwith the other accused persons.

In view of the above, this petition being devoid of any merit is dismissed.

February 6, 2015.
'om'

(LISA GILL)
JUDGE