

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.375 of 2015(O&M)

Date of Decision :09.01.2015

Baljit Kaur

.....Petitioner

Versus

Assa Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.G.S.Sirphikhi, Advocate
for the petitioner.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed against the order of the revisional court overturning that of the trial court and summoning the petitioner. As per the complaint the petitioner along with her co-accused attacked the complainant and specific injuries were attributed to the co-accused but none to the petitioner. As regards the petitioner the only averment was that she was present with a *Sota*. The trial Court refused to summon the petitioner on the ground that there was no injury attributed to her. The revisional court, however, held that once the complainant and the other witnesses had testified to the effect that the petitioner was present with a *Sota* the mere fact that no specific injury was attributed to her would not render her completely innocent because if the complainant could prove that she was present there with the common object as the other accused, she would be guilty under section 149 IPC.

Learned counsel has relied upon **Sivanmoorthy and others v. State Rep.by Inspector of Police** reported as 2012(1) RCR(Criminal) 317 and **Abdul Hamid and others v. State of U.P.** reported as 1991(1) RCR 35. However, in both the cases the Hon'ble Supreme Court has found that the presence of the accused(who had not caused any injury) at the spot was not free from doubt. In the present case also if the petitioner is able to cast a doubt on the evidence regarding her presence or her having a Sota or her having a common object with the other accused, she would be entitled to acquittal but at this stage the view of the revisionl court cannot be said to be illegal.

Petition is dismissed.

Since the main case has been decided, the Criminal Misc.Application, if any also stands disposed of.

(AJAY TEWARI)
JUDGE

January 09, 2015
sunita