

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

CRM-M-5076-2015 (O&M)

Date of decision : 16.02.2015

Murlidhar and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Shashi Kumar Yadav, Advocate for the petitioners.

JITENDRA CHAUHAN, J. (Oral)

The petitioners are aggrieved against dismissal of their revision petition vide order dated 10.12.2014, passed by the learned Additional Sessions Judge, Narnaul (Annexure P-2), thereby, affirming the order dated 19.10.2013 (Annexure P-1), passed by the Judicial Magistrate 1st Class, Mahendergarh, allowing the application moved by the prosecution under Section 319 Cr.P.C. The petitioners have been summoned to face trial in case FIR No.185 dated 22.07.2011, registered under Sections 323, 325 of the Indian Penal Code, at P.S. Kanina.

The learned counsel for the petitioners were found innocent during the investigation conducted by the police and they were kept in column No.2. Now, the petitioners have been summoned under Section

319 Cr.P.C., without there being any fresh evidence brought on record by the prosecution to connect the petitioners with the crime. He cites ***2009 AIR (SC) 2792, Sarabjit Singh Vs. State of Punjab.***

Heard.

The petitioners have been specifically named in the FIR. The complainant has also named them while appearing in the Court as PW1. PW2, Sharbati has also stated that the petitioners inflicted injuries on her person. The medical evidence in the form of MLR and X-ray report also support the assertions raised by the complainant. In the instant case, the injured witness-Sharbati, has herself stated that the petitioners inflicted injuries upon her, thus, the argument that no fresh evidence or any cogent reason has been given by the summoning Court, cannot be raised. There is no ambiguity or contradiction in the statement, on the basis of which the FIR was lodged and the deposition made before the Court, on the basis of which the petitioners have been summoned to face trial under Section 319 Cr.P.C. The cited case law is distinguishable as the injured-witness has herself deposed against the petitioners.

On the basis of the preliminary evidence, the learned summoning Court found that a prima facie case is made out against the accused-petitioners. Therefore, this Court does not find any ground for grant of relief sought by the accused-petitioners.

In view of the above, the present petition is devoid of any merit.

However, anything noticed hereinabove shall have no bearing on the merits of the case.

Dismissed.

16.02.2015
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(JITENDRA CHAUHAN)
JUDGE

Note : Whether to be referred to reporter ? Yes / No