

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.02.13 17:27
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CRR No. 2132 of 2013 (O/M)
Date of decision : 12.2.2015

Sonu and others

..... Petitioners

Versus

The State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. B.S. Saroha, Advocate, for the petitioners.

Mr. Satish Saini, Deputy A.G., Haryana.

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

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 28.5.2013, passed by the learned Sessions Judge, Kurukshetra, vide which the present revisionists, namely, Som Nath, Vikram and Sonu (revisionists) alongwith non-applicants, namely, Sandeep, Hariya @ Hari Ram and Pappu were summoned as additional accused in exercise of power under Section 319 Cr.P.C. to face trial alongwith with co-accused under Section 302 read with Section 149 IPC.

Suffice to say that as per the prosecution version, Maya Ram was murdered on the night intervening 3/4.5.2011. His dead body was noticed in the morning. The injuries had been caused on his head with sharp edged weapon. After completion of the

investigation, the police chargesheeted four persons, namely, Irshad, Ashok, Jabran and Parvez. Jabran and Parvez were declared proclaimed offenders.

During the trial, Sukhwinder Singh (PW7) and Gurpreet Singh (PW8) appeared and in their testimony, they attributed active roles to the present revisionists as well as non-applicants. Thereafter, on the basis of the application under Section 319 Cr.P.C. moved by the Public Prosecutor, the present revisionists were summoned alongwith non-applicants.

I have heard the learned counsel for the revisionists, learned Deputy Advocate General for the State and have also carefully gone through the file.

A perusal of the impugned order dated 28.5.2013 shows that two persons, namely, Sukhwinder Singh and Gurpreet Singh (PW7 and PW8 respectively) during their examination have attributed specific roles to the revisionists as well as to the non-applicants. Murder in this case was recorded as a blind murder. However, later on during investigation, four persons were found involved.

Learned counsel for the revisionists has argued that the present revisionists were not named in the statements made by the said witnesses under Section 161 Cr.P.C.

I am of the view that the fact of improvement, if any, is to be seen during trial. Specific active roles have been attributed to the

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present revisionists. Therefore, there is no error or illegality in the order dated 28.5.2013, passed by the learned Sessions Judge, Kurukshetra, in summoning the revisionists under Section 319 Cr.P.C. to face trial for offences punishable under Sections 302 read with Section 149 IPC. The revision is accordingly found to be without any merit and is accordingly dismissed.

(KULDIP SINGH)
JUDGE

12.2.2015
sjks