

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.2510 of 2013

Date of decision: 20.02.2015

Roshan Lal

.....Petitioner

versus

Kartar and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr. J.S.Hooda, Advocate for the petitioner
Mr.Keshav Partap Singh, Advocate
Mr.Chetan Sharma, AAG Haryana

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J.

Challenged in the present revision is the order dated 16.7.2013, passed by learned Additional Sessions Judge, Palwal, vide which, application filed by Roshan Lal –petitioner for summoning of Kartar, Mukesh, Smt.Birma, Gajender, Roop Singh, Ranjeet and Ravi under Section 319 Cr.P.C., for committing offence under Sections 147, 148, 149, 323, 324, 506 and 307 IPC, was dismissed.

I have heard learned counsel for the parties and have also carefully gone through the file.

Learned counsel for the petitioner has stated that the above said accused were also involved in the crime. The reliance has been placed on the authority of Hardeep Singh v. State of Punjab and others, 2009(1) Criminal Court Cases 782 (SC).

The trial Court has taken the view that there is discretion under Section 319 Cr.P.C. The order is not to be passed in mechanical manner unless there is evidence to support the evidence of the witnesses. There is mere statement of PW1 Roshan Lal which, according to the trial Court, is not sufficient to summon the said respondents as accused. It also comes out that during investigation, these persons were found innocent. In this case, already six persons are facing trial. Now seven more persons are sought to be summoned. In this way, according to the complainant, 13 persons were involved in the crime.

I am of the view that the statement of PW1 Roshan Lal cannot be taken as gospel truth unless it is corroborated by medical evidence, thus, there is no illegality or infirmity in the impugned order.

Accordingly, the revision petition is dismissed.

20.02.2015
gk

(Kuldip Singh)
Judge