

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.1538 of 2015(O&M)
Date of Decision: August 11, 2015

Ganga Singh

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Amit Choudhary, Advocate
 for the petitioner.

INDERJIT SINGH, J.

Petitioner Ganga Singh has filed this revision petition under Section 401 Cr.P.C. against respondents State of Haryana and Sumitra, challenging the impugned order dated 08.04.2015 passed by learned Addl. Sessions Judge, Fatehabad, vide which the application under Section 319 Cr.P.C. for summoning Sumitra as an additional accused has been dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the challan in FIR No.295 dated 19.09.2014 under Sections 323, 452, 506, 302 and 34 IPC, registered at Police Station City Tohana, has been presented against Daya Ram and Om Parkash. An application under Section 319 Cr.P.C. has been filed by prosecution through counsel for the

complainant for summoning Sumitra as additional accused. Learned Addl. Sessions Judge, Fatehabad, after discussing the facts and evidence in minute details, dismissed the application.

From the record, it is clear that Sumitra was not named in the FIR nor any role was attributed to her. The statement of the complainant, who is also an eye witness, has been recorded by the police in the hospital and in the earliest version recorded by the police, nothing has been attributed to Sumitra, wife of Om Parkash one of the accused. Even, as per the impugned order, statements of two other eye witnesses, who are also close relatives of the complainant, were recorded in the hospital. None of these eye witnesses have mentioned the name of Sumitra that she also came along with other accused nor there was any attribution to her.

After the death of Kuldeep, supplementary statements were given by the complainant and other eye witnesses naming Sumitra and showing her armed with *danda*, which she gave on left leg of the deceased. Learned Addl. Sessions Judge has specifically mentioned that neither in the MLR nor in the post mortem examination report there is any corresponding injury on the left leg or left foot of the deceased.

Keeping in view the above discussion and facts, it does not appear from the evidence that Sumitra has committed any such offence for which she should be tried together with the accused.

In view of the above, I find that the impugned order dated 08.04.2015 passed by learned Addl. Sessions Judge, Fatehabad is

correct, as per law and do not require any interference from this Court. No illegality has been committed by passing this order by the Court.

Therefore, finding no merit in the present petition, the same is dismissed.

August 11, 2015
Vgulati

(INDERJIT SINGH)
JUDGE