

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.2319 of 2014 (O&M)

Date of decision: 07.07.2015

Anup Kumar

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: None for the petitioner
Mr.Shard Kumar Yadav, DAG Haryana
for respondent No.1
Mr.Sarraj Hussain , Advocate for respondent No.2

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. (Oral)

Challenged in the present revision is the order dated 3.4.2014, passed by the learned Additional Sessions Judge, Palwal, whereby the application of the revisionist, for summoning Amarwati wife of Bijender as an additional accused was dismissed.

Facts of the case are that two cross cases are pending between the parties. Present case is under Sections 323, 324, 325, 326, 506, 34 IPC, in which, four persons, namely, Nepal, Bharat Lal, Hari Singh and Tek Chand are facing trial. Now, the application was filed under Section 319 Cr.P.C. before learned Additional Sessions Judge wherein it was stated that Gurdeep and Danvir have appeared as PW5 and PW6 and have named Amarwati in the crime. Gurdeep

has stated that Amarwati had caused Danda blow on his left hand wrist. Danvir has stated in the Court that Amarwati gave bricks and stones blows on his left hand finger.

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

Learned Additional Sessions Judge while dismissing the application, gave the following reasoning:-

“The attribution towards proposed accused Smt.Amarwati is alleged to be she giving injuries to Gurdeep on his left hand and to Danvir on his left hand by use of danda and brick etc. These are four accused already facing the trial and the statement earlier recorded of Danvir under Section 161 Cr.P.C. has given the version that proposed accused Smt.Amarwati assaulted with a right finger which is different to the role having attributed to her when Danvir is recorded in the Court. More important, it is a cross-case. However, learned counsel for complainant states that MLR of Smt.Amarwati of the same day of the incident has been filed as a defence of the accused which certifies that Smt.Amarwati was present. Only filing of MLR of Smt.Amarwati does not connect with her being a co-accused in the offence alleged. She has been contradicted with use of danda and bricks. The injury of Danvir is restricted to the finger of his left hand. Furthermore, witness Gurdeep states that proposed accused Smt.Amarwati used danda to

assail her and witness Danvir states that proposed accused Smt.Amarwati used bricks to assault her. These are versions with difference recorded by these witnesses under Section 161 Cr.P.C. and before the Court when their evidence was recorded.”

I am of the view that in this case, four persons are facing trial. Danvir had given different version in the Court than given under Section 161 Cr.P.C.. Gurdeep claimed that injury on his left hand wrist was given by use of danda and bricks. More or less same role has been attributed to the other accused also. Therefore, possibility is there that Amarwati being woman in the family is sought to be dragged to settle the score.

It being so, I do not find any illegality or infirmity in the impugned order. The revision is accordingly dismissed.

07.07.2015*gk***(Kuldip Singh)
Judge**