

CRR-324-2014 (O&M)
Decided on: 02.02.2015

Nachattar Singh and another Petitioners

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Ashok Kumar Sama, Advocate,
for the petitioners.

Mr. J.S.Brar, AAG, Punjab.

M.M.S. BEDI, J (ORAL)

Petitioners have been summoned as additional accused under Section 319 Cr.P.C. on the ground that they had inflicted injuries on the person of deceased with gandasi and dang, respectively. They were initially challaned alongwith other accused for having been attributed injuries on the person of complainant's mother Karmo Bai, who had died from respiratory failure.

Counsel for the petitioners has drawn my attention to the medical evidence, which has been produced in the shape of statement of Dr. Ram Gopal Demonstrator-PW3 and the statement of complainant and contended that there is sufficient material warranting acquittal of the petitioners.

Learned State counsel submits that petitioners were named in the FIR and were also challaned initially but on the basis of enquiry conducted, they were found innocent and supplementary challan was presented to this effect. Petitioners have now been summoned as

additional accused on the application of prosecution.

I have heard learned counsel for the petitioners and gone through the postmortem report, which indicates that there is no sharp edged weapon injury on the head of the deceased and no injury on the wrist. However, the petitioner No.1 has been attributed injury with gandasi on the head of the deceased and petitioner No.2 has been attributed dang blow on the right wrist of the deceased.

So far as the status of trial is concerned, after summoning the petitioners, few witnesses have been examined.

Taking into consideration the totality of the circumstances and without expressing any opinion regarding the culpability of the petitioners, this petition is disposed of with a direction that the personal appearance of the petitioners before the trial Court shall remain exempted except for the occasion, when the eye witness/other witnesses are required to identify the petitioners at the time of examination or any other such occasion. In case an application under Section 273 Cr.P.C. is moved, the trial Court shall be authorised to record the statements of the witnesses against the petitioners in the presence of counsel for the petitioners as per the provisions of Section 273 (2) Cr.P.C. Personal appearance of the petitioners shall be exempted subject to any condition imposed by trial Court. All the pleas regarding contradictions raised in this petition will be available to the petitioner at final stage of the trial.

(M.M.S.BEDI)
JUDGE

February 02, 2015
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