

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRR 4132 of 2014 (O&M)

Date of Decision: January 8, 2015

Bateri Devi

.....Petitioner

Vs.

State of Haryana

.....Respondent

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

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Present:- Mr. A.K. Singal, Advocate
for the petitioner.

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

Petitioner is a female who as per FIR had inflicted injury with danda at the back of the deceased. She was declared innocent during the course of investigation. Vide impugned order, she has been summoned as additional accused to face trial.

Counsel for the petitioner submits that as per the post mortem report no injury on the back was noticed by the Doctor conducting post mortem.

I have heard learned counsel for the petitioner and gone through the inquest report which specifically mentions in column No.2 that signs of

injuries on the head and waist were noticed. In column 20 of the inquest report, prima facie reason for cause of death appears to be injuries on the head as well as on the waist.

Since the medical evidence is of corroborative nature to substantiate the ocular version, it will not be appropriate at this stage to enter into the controversy regarding the contradictions in the ocular and medical evidence. No doubt, the petitioner had been declared innocent and she is a lady but I do not find any sufficient ground to interfere in the impugned order summoning the petitioner as an additional accused.

It will not be appropriate for this Court to express opinion at this stage whether it is prima facie a case of conviction or a case which would definitely warrant punishment. Avoiding appreciation of evidence at this stage, I deem it appropriate to dismiss this petition. However, since the petitioner is a lady, it is observed that in case during the course of trial she moves an application for exemption from personal appearance, the said application will be allowed subject to any condition imposed by the trial Court.

January 8 , 2015
sanjay

(M.M.S.BEDI)
JUDGE