

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**Criminal Revision No.4490 of 2015(O&M)  
Date of Decision: November 26, 2015**

Sube Singh

...Petitioner

Versus

State of Haryana & Anr.

...Respondents

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI**

Present: Mr.G.S.Sandhu, Advocate,  
for the petitioner.

**Naresh Kumar Sanghi, J.**(Oral)

Challenge in the present criminal revision petition is to the order dated 07.11.2015 passed by learned Sessions Judge, Kaithal, whereby the application under Section 319, Cr.P.C., was allowed and the petitioner was summoned to face trial for the offence punishable under Section 302 read with Section 34, IPC, in Sessions case No.16 of 2015 arising out of FIR No.15 dated 11.01.2015 registered at Police Station, Pundri, District Kaithal.

Learned counsel has pointed out that during investigation it has emerged that the petitioner was not present in the village at the time of occurrence, the petitioner, who was 45 year old, was suffering from heart ailment and as such, it was not possible for him (petitioner) to participate in the occurrence. He further pointed out that during her deposition Smt.Vidya Devi

(PW1) had failed to specify the weapon by which the petitioner alleged to have inflicted an injury on the head of Rajiv (since deceased) and as such, no case for summoning of the petitioner, while exercising the powers under Section 319, Cr.P.C., was made out.

I have heard learned counsel for the petitioner and with his able assistance gone through the material available on record.

The first information report of the present case was registered on the statement of Vidya Devi-respondent No.2, mother of Rajiv (since deceased), for the offence punishable under Section 302 read with Section 34, IPC. At about 1:30 p.m, Rajiv, her son had gone to know about the on-going case. After sometime informant also went there and found that Maiya @ Maya had caught hold his son from the neck while his (Maiya @ Maya) co-accused armed with *lathis* and *Bindas* were causing injuries. Petitioner-Sube also caused injuries on the head of Rajiv. When Vidya Devi appeared before learned trial Court as prosecution witness then in her deposition, she reiterated the version enshrined in the FIR and specifically alleged that Sube (petitioner) had caused injury on the head of Rajiv (since deceased). Learned trial Court has accorded sound reasons for summoning of the petitioner to face trial with his co-accused.

No ground for interference while exercising the

revisional jurisdiction is made out.

Dismissed.

**November 26, 2015**  
seema

**(Naresh Kumar Sanghi)**  
**Judge**