

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

**CRM No.M-11945 of 2016
Date of Decision: April 06, 2016**

Arvind Petitioner

vs.

State of Haryana and another Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Manish Soni, Advocate for the petitioner.

- 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)

Present revision is directed against the judgment dated 25.02.2016 (Annexure P-9) passed by learned Addl. Sessions Judge, Gurgaon, whereby the revision filed against the order dated 17.10.2015 (Annexure P-8) passed by learned Judicial Magistrate 1st Class, Gurgaon, dismissing the application of the petitioner filed under Section 319 Cr.P.C., was dismissed.

Heard.

Petitioner sought summoning of additional accused, namely, Ranbir on the ground that injury No.1 attributed to him is stated to have been corroborated by PWs Ajay as well as complainant Arvind Chauhan.

A perusal of the order of lower court shows that earlier also an application was filed for summoning the said accused, which was dismissed by the then Judicial Magistrate 1st Class, Gurgaon,

vide order dated 15.11.2012. At that time, complainant Arvind Chauhan was examined. Now, PW Ajay, eye witness has been examined, who has corroborated the version of complainant Arvind Chauhan.

It is stated that now medical evidence has also been produced. In any case, the said medical evidence was already available on file in the shape of MLR and must have been considered by the lower court. During investigation, Ranbir, who is an employee of Police Department, was found innocent.

A perusal of the injuries shows that the injury attributed to said Ranbir is a lacerated wound, over the left eyebrow, 2x1 cm clotted blood. This injury is stated to have been given with the iron rod.

I am of the view that if iron rod blow is given on the eyebrow, the width of the injury is likely to be more. There must be swelling and damage to the tissues. Therefore, it is doubtful at this stage whether the said injury (injury No.1) could be caused with the iron rod.

It being so, there is no ground to interfere in the impugned order.

Accordingly, the present petition stands dismissed.

April 06, 2016
sarita

(KULDIP SINGH)
JUDGE