

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

(122)

CRM-M-15588-2016

Decided on: September 19, 2016.

Mohd. Shakil

.... Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Mr. S.S. Dinarpur, Advocate, for the petitioner.

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

Petitioner is one of the complainants. He claims that Yamin has not been challaned on the basis of investigation.

Learned counsel for the petitioner submits that name of Yamin has been kept in column No.2.

In view of observations having been made by this Court on 16.05.2013 in CRM-M-9832 of 2013 Yamin Vs. State of Haryana and another, the petitioner seeks the review of the said order.

I have considered the contentions of learned counsel for the petitioner and I am of the opinion that at this stage culpability of Yamin cannot be looked into. Since his name has been kept in column No.2, it will always be open to the complainant/aggrieved victim to make deposition in the Court, which could be appreciated for summoning the additional accused kept in column No.2.

I have also considered the other facts and circumstances of the case.

It appears that Yamin has obtained order dated 16.05.2013 by representing that only Sanjeev respondent No.2 in the said case, was the complainant whereas it has been disclosed that besides Sanjeev, there are total four affected persons i.e. Mohd. Shakil, Sanjeev Kumar, Tejinder Singh and Nitin Bajwa. It is clarified that order dated 16.05.2013 is operative only qua Sanjeev Kumar who was impleaded as respondent No.2 in CRM-M-9832-2013. The said order will not be read to prejudice the victims-complainants who have not been impleaded party in the said petition.

Disposed of with above observation without prejudice to the right of the petitioner to avail remedy under Section 319 Cr.P.C at appropriate stage.

(M.M.S. BEDI)
JUDGE

September 19, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No