

114

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 1009 of 2016 (O/M)

Date of decision : 15.3.2016

Gurjant Singh

..... Revisionist

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. K.B.S. Mann, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Impugned in the present revision is the order dated 5.1.2016, passed by the learned Additional Sessions Judge, Bathinda, vide which an application filed by the prosecution for summoning Nirmal Singh @ Nimmi son of Mohan Singh, Kala Singh son of Gurbachan Singh and Soni Singh son of Gurnaib Singh as additional accused under Section 319 Cr.P.C. was dismissed.

I have heard the learned counsel for the revisionist and have also carefully gone through the file.

In the FIR, the allegations were levelled against all the three persons. However, during the investigation, they were found

CRR No. 1009 of 2016 (O/M)

-2-

innocent by the police. During the trial, Gurjant Singh (complainant) appeared and made the statement and on the basis of the said statement, the said persons were sought to be summoned as additional accused to face trial. It also comes out that the lower Court, while disposing of the application, applied the law laid down by the Hon'ble Supreme Court in Michael Machado and another Versus Central Bureau of Investigation and another, 2000 (2) RCR (Criminal) 75 and Sarabjit Singh and another Versus State of Punjab and another, 2009 (3) RCR (Criminal) 388.

I have gone through the statement made by Gurjant Singh (complainant) as PW1. In the statement, the only allegation levelled against Soni Singh is that he has caused gandas blow on the head of Nasib Kaur. The photocopy of the MLR of Nasib Kaur was produced before this Court today, which shows that there is no gandas blow injury on the head of Nasib Kaur. All the injuries in this case are lacerated wounds and were caused with blunt weapon. No role has been attributed to remaining two respondents, namely, Nirmal Singh @ Nimmi and Kala Singh. Therefore, merely on the basis of allegation that they were found present at the spot, they cannot be summoned as additional accused to face trial. In this case five persons are already facing trial and it appears that the intention of the complainant is to rope in as many persons of the opposite party as possible in the case. It being so, there is no

CRR No. 1009 of 2016 (O/M)

illegality or perversity in the impugned order. Hence, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

15.3.2016
sjks