

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

**CRL.REVISION No.2565 OF 2015 (O&M)
DATE OF DECISION : 11th AUGUST, 2016**

Ishwar Singh

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Rahul Rathore, Advocate for the petitioner.

Mr. D. R. Singla, DAG, Haryana.

Mr. Ram Bilas Gupta, Advocate for respondent No.3.

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A. B. CHAUDHARI, J. (ORAL)

Heard learned counsel for the rival parties.

This is a petition by the complainant/informant that was filed on 13.07.2015 putting to challenge order dated 21.05.2015 rejecting the application for summoning accused-respondent No.3-Jasmer under Section 319 Cr.P.C.

This petition was filed on 13.07.2015 for challenging the order dated 21.05.2015. At the outset, in my opinion, the challenge was made quite late. Secondly, the matter has remained pending in this Court since after its filing. In the meanwhile, the learned counsel for the State as well as the proposed accused Jasmer jointly submit that trial in the trial Court has commenced and total 17 witnesses have already been examined. When the trial commenced the petitioner should have made a motion for stay of the trial if at all he was so serious about the present

matter. Be that as it may. In view of the FIR and deposition of witnesses recorded before the trial court, to my mind, in the light of Constitutional Bench’s judgment of the Apex Court in the case of *Hardeep Singh Vs. State of Punjab and others, 2014(3) SCC 92*, there would hardly be any likelihood of conviction of the proposed accused.

In that view of the matter and taking into consideration the above factual data regarding the delay in prosecuting the present matter, I think it is too late in the day to entertain the present petition. In the result, I do not find any fault with impugned order which is based on set principles.

In view of the above, I find no merits in the instant revision petition, which is accordingly dismissed.

11th AUGUST, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No