

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

CRR No.1725 of 2016.
Decided on:-09.05.2016.

Baldev Singh.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Rahul Bhargava, Advocate for the petitioner.

HARI PAL VERMA, J. (ORAL)

The petitioner has filed the present revision petition against order dated 11.4.2016 passed by learned Additional Sessions Judge, Ambala whereby the application filed by the petitioner-complainant under Section 319 Cr.PC seeking prayer for summoning of respondent No.2 Adarsh Kaur, was dismissed.

Learned counsel for the petitioner has contended that the accused as referred in the application under Section 319 Cr.PC is required to be summoned as her name has duly been mentioned in the FIR in question. There is enough evidence available on the file to show the active involvement of respondent No.2 and as such, she is required to be summoned and to face trial in the case along with other co-accused, namely, Baba Harjinder Singh, Manjit Singh and Khushal Singh.

It has further been contended that the petitioner-complainant Baldev Singh while appearing as PW5 before the trial Court has supported the case of the prosecution and deposed about the alleged role of all the four accused. However, learned trial Court, vide impugned order dated 11.4.2016, has dismissed the application under Section 319 Cr.PC for summoning respondent No.2 as an additional accused on untenable and unsustainable grounds.

I have heard learned counsel for the petitioner.

Perusal of the impugned order dated 11.4.2016 passed by learned trial Court reveals that respondent No.2 Adarsh Kaur (73 years old lady) was not found involved in the crime and as such, her name was kept in column no.2 in the final report under Section 173 Cr.P.C.

The impugned order further reveals that deceased Raspal Singh, who was son of the petitioner-complainant, was never instigated or provoked or abetted by using direct words for consuming poisonous substance in order to commit suicide, rather, as per the allegations, altercation for handing over or vacating the possession of land pertaining to Gurudwara Sahib was occurred behind the complainant. At about 4.00 PM, the complainant received information from his daughter-in-law regarding admission of his son in Naraingarh hospital and then he visited there, but his son was referred to PGIMER, Chandigarh and was declared brought dead. Neither daughter in law of complainant disclosed the exact cause of his death nor complainant

moved any application to the area in-charge of concerned Police Station for recording dying declaration of deceased.

Vide the impugned order, learned trial Court has further observed that the suicide note of deceased does not reveal the name of respondent No.2 Adarsh Kaur and as such, on the basis of hearsay version of complainant, said lady aged about 73 years cannot be entangled with the crime merely on the basis of presumption, assumption and vindictiveness at the behest of complainant for vacating disputed property.

In view of the above, when the alleged suicide note written by deceased Raspal Singh does not even reflect the name of respondent No.2 Adarsh Kaur, the trial Court has rightly dismissed the application under Section 319 Cr.PC filed by the petitioner.

Accordingly, I find no reason to interfere with impugned order dated 11.4.2016 passed by learned Additional Sessions Judge, Ambala and affirming the same, the present petition, being devoid of any merit, is dismissed.

It is, however, made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of evidence available on record.

May 09, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE