

CRR-1975-2016

Date of Decision : 03.10.2016

Baljit Singh

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Pankaj Bali, Advocate
for the petitioner.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner is a complainant in a case under Section 306 IPC registered on the allegations that the brother of the petitioner had been beaten by the accused facing trial along with Deepak and Rajesh.

An application under Section 319 Cr.P.C. has been dismissed by the trial Court *inter alia* on the ground that there is no direct nexus between the act of the proposed accused and the death of Ram Karan, the brother of petitioner; there being no evidence on the file that the deceased during his lifetime had made any complaint against the proposed accused; the deceased consumed poison on 14.09.2015 and died on 16.09.2015 but he did not indict the proposed accused or made any declaration which could be termed as dying declaration.

Learned counsel for the petitioner submits that after recording the statement of the petitioner as PW, the other witnesses have also deposed against the proposed accused.

Counsel for the petitioner submits that in view of the additional material which has come on the record of the Court, the

prosecution/complainant would get another opportunity to file an application under Section 319 Cr.P.C. on the basis of the additional material which corroborates the material, earlier taken into consideration, in the shape of statement of the petitioner. Counsel for the petitioner, in such circumstances, seek permission to withdraw the petition with liberty to the petitioner to avail the remedy of summoning the additional accused on the basis of the fresh material, if any, on record.

Disposed of as withdrawn with the aforesaid liberty.

(M.M.S. BEDI)
JUDGE

03.10.2016
Neha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No