

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

**CRR No.2071 of 2016 (O/M)
Date of decision : May 31, 2016**

Balwan Singh and another **..... Petitioners**

Versus

State of Haryana and another **..... Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.S. Nara, Advocate for the petitioner.

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 petition is the judgment dated 02.03.2016 (Annexure P-5) passed by learned Addl. Sessions Judge, Kurukshetra, whereby the criminal revision filed by private respondent Om Pal was allowed and order dated 21.04.2015 (Annexure P-3) was passed by the learned Judicial Magistrate 1st Class, Kurukshetra, vide which the application filed under Section 319 Cr.P.C. was dismissed. Also impugned the order dated 17.03.2016 (Annexure P-6) passed by learned Judicial Magistrate 1st Class, Kurukshetra, vide which the present petitioner was summoned to face trial for the commission of offence punishable under Sections 323, 324, 325, 326 and 506 IPC.

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

It comes out that the present petitioners Balwan Singh and Sandeep were named in the FIR. As per allegations in the FIR, it is alleged that the present petitioners attacked the house of the complainant and

caused injuries to Neer Kumar, complainant as well as his brother Ram Kumar. In the statement made before the Court, they were again named. Specific role is attributed to the present petitioners.

Learned counsel for the petitioner contends that petitioner No.1 Balwan Singh is a Govt. employee and petitioner No.2 Sandeep is working with a private concern and that they were not present at the time of occurrence.

In this case, 15-20 persons armed with *lathies*, *sword*, *gandasi* and *binda* had attacked the complainant party. The probable defence of the present petitioners is regarding the plea of *alibi* , which is yet to be examined.

Learned counsel for the petitioners further contends that application under Section 319 Cr.P.C. was filed by PW Ram Kumar, who is since dead and Ompal has pursued the application.

I am of the view that even if one of the witnesses is dead, the other witness can pursue the said application. Thus, there is no illegality or infirmity in the impugned judgment and orders.

Accordingly, the present revision petition stands dismissed.

(KULDIP SINGH)
JUDGE

May 31, 2016
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