

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

CRR-2245-2016

Date of decision: 08.07.2016

Pardeep Kumar

...Petitioner

Versus

State of Haryana and others

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashwani Kumar Bura, Advocate, for the petitioner.

Ritu Bahri, J.

The petitioner has come up in revision against the order dated 13.05.2016 passed by the Additional Sessions Judge, Bhiwani, whereby application filed by petitioner-complainant under Section 319 Cr.P.C. for summoning respondent Nos. 2 to 7 as additional accused to face trial, has been dismissed.

Learned counsel for the petitioner has argued that Pawan Kumar, husband of deceased-Poonam @ Mukesh was 70% disable and the cause of death of Poonam @ Mukesh, as per postmortem report, is on account of three injuries and asphyxia. Keeping in view the medical condition of Pawan Kumar (husband of deceased), participation of the accused, which are sought to be summoned under Section 319 Cr.P.C., cannot be ruled out.

However, the complainant-petitioner while appearing as PW-1 has not led any evidence with regard to the physical disability of Pawan Kumar.

At this stage, this petition is disposed of by giving liberty to the petitioner to lead adequate evidence and thereafter, make another application under Section 319 Cr.P.C. before the trial Court.

**(RITU BAHRI)
JUDGE**

08.07.2016