

CRR-2661-2016 (O&M)

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

**CRR-2661-2016 (O&M).
Date of Decision: 29.07.2016.**

Kuldev Singh

.. Petitioner(s)

VERSUS

State of Punjab.

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Inderjit Sharma, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

This revision petition has been filed by Kuldev Singh challenging the legality and propriety of the order dated 5.7.2016, framing charges against the petitioner under Sections 302 and 201 of the Indian Penal Code, pertaining to the summoning order Annexure P2 dated 21.10.2015.

Counsel for the petitioner has vehemently contended that the petitioner had been found innocent by the investigating agency despite the fact that complainant Manjit Singh had named the petitioner as a suspect and had attributed motive to the petitioner that deceased Balkar Singh son of complainant Manjit Singh (PW.1) had illicit relations with Baljit Kaur wife of the petitioner.

I have heard the learned counsel for the petitioner and gone through the FIR and the statement of Manjit Singh PW.1. As

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per version of PW.1, from the very beginning, on the intervening night of 9.6.2014, Balkar Singh had received a call at 8:30 PM and had gone to Gurpreet Singh on his call by disclosing that he was going to the house of Bagga Singh but his dead body was found in the village pound near Stadium on next day. The name of the petitioner was mentioned as a suspect on the ground that the petitioner had suspected that deceased Balkar Singh had illicit relations with Baljit kaur his wife and that on an earlier occasion, the deceased had been beaten and threatened and there was an incident of breach of peace four months prior to the occurrence in which petitioner's father was involved.

Counsel for the petitioner has vehemently contended that as a matter of fact main accused is Gurpreet Singh who had allegedly committed murder of Balkar Singh as Gurpreet Singh has a suspicion that deceased had relations with his sister. It is claimed that the petitioner has been falsely named on the basis of misguided suspicion.

I have considered contentions of the learned counsel for the petitioner and gone through the impugned order. The name of the petitioner being mentioned as a suspect from the very beginning is indicative of his prima facie involvement. Specific motive having been attributed to him and at the same time, he having been found innocent by the police during the course of investigation, has raised dual version.

Without appreciation of evidence and considering the other corroborative and circumstantial evidence, it will not be

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appropriate for this Court to arrive at a prima facie conclusion that it is a case where conviction cannot be ordered. Avoiding entering into the niceties of the trial, lest it should prejudice the case of the petitioner or the prosecution agency, I do not find any ground in the exercise of revisional jurisdiction to interfere in the impugned order. All the pleas taken up in this petition may constitute a good ground for the petitioner to seek acquittal. Charges having already been framed against the petitioner, scope of interference becomes more meagre.

The petition is dismissed.

Nothing mentioned in this order will prejudice the rights of the parties during the course of trial.

(M.M.S. BEDI)
JUDGE

July 29, 2016.
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Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No