

CRR No. 3836 of 2015

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

CRR No. 3836 of 2015
Date of decision : July 27, 2016

Vinod

..... Petitioner

v.

State of Haryana and another,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. PK Chugh, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG Haryana

None for respondent No.2.

Ajay Tewari, J (Oral)

This petition has been filed against the order dated 7.9.2015 passed by the trial Court dismissing the application under Section 319 of the Cr.P.C for summoning Pawan-respondent No.2.

Counsel for the petitioner has argued that respondent No.2 was specifically named in the FIR and an injury by a wooden stick on the head of injured-Kulbir Singh was attributed to him. As per him, medico

legal report as well as CT scan of the injured would fortify the deposition of PW1-Vinod that respondent No.2 had participated in the crime.

Learned DAG Haryana has not been able to deny these factual assertions. No one has entered appearance on behalf of respondent No.2.

In this view of the matter and in my considered opinion, parameters laid down in the decision of the Hon'ble Apex Court in Hardeep Singh v. State of Punjab (2014) 3 SCC 92 are fulfilled. Consequently, this petition is allowed, the impugned order (Annexure P-5) is set aside, and the application under Section 319 of the Cr.P.C filed by the petitioner is allowed.

July 27, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No