

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

CRR No.3700 of 2016 (O&M)

Date of decision : 19.10.2016

Ranjit Singh and others

..Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Anter Singh Brar, Advocate
for the petitioners.

JITENDRA CHAUHAN, J. (Oral)

By way of present petition, the petitioners have sought the quashing of impugned order dated 03.09.2016, passed by learned Additional Sessions Judge, Panchkula, whereby the applications for defence evidence filed by the petitioners were declined, whereas applications of other co-accused were allowed.

The learned counsel refers to the statements of PW2-Deepak Kumar, PW6-Sunil Kumar, PW8-Mandeep and PW11-Rattan Lal to contend that neither the petitioners were present on the scene of occurrence nor any injury is attributed to them. He has placed reliance upon '**Kalyani Baskar Vs. M.S. Sampooram**', 2007(1) RCR (Criminal) 311, '**T. Nagappa Vs. Y.R. Muralidhar**', 2008(3) RCR (Criminal) 926, '**M. Murugan Vs. State rep. by Vigilance and Anti Corruption Wing, Madurai (Crime No.8 of 2007)**', 2016(1) MLJ (Criminal) 626 and '**Bharat Kumar Vs. U.O.I.**

Through CBI', 2007 W.L.C. 460.

Heard.

The trial Court vide impugned order has allowed the applications for defence evidence of other co-accused and dismissed the applications for the same very purpose of the present petitioners. The application of petitioner No.1-Ranjit Singh was filed for summoning Sher Bahadur and Babu Ram and petitioner Nos.2 and 3 filed the application for summoning Anil Kumar and Johny Kumar. The petitioners were given sufficient opportunity to cross-examine the prosecution witnesses as the process of examination and cross-examination took a period of 2 years and 6 months. The petitioners had sufficient opportunity to lead the defence evidence, which they wanted to be brought on record through the applications in question. Vide the impugned order the trial Court had allowed the applications of the other co-accused, after giving thoughtful consideration that the defence evidence, which was required to be brought by them, was relevant for fair justice and dismissed the applications of the petitioners as the evidence which they wanted to be brought on record was noticed to be as irrelevant. Therefore, this Court feels that applications of the petitioners were rightly refused as these appear to have been made for the purpose of vexation, causing delay and for defeating the ends of justice. The overwhelming evidence on record go to prove that the petitioners have neither been named in the FIR nor were present on the spot at the time of occurrence. The ratio of case law cited by the learned counsel for the

petitioners is not applicable to the facts of the instant case.

In the instant case, this Court does not find any ground to interfere with the impugned order, in exercise of its revisional jurisdiction, as no material evidence or any circumstance has come on record indicating any defect of procedure or improper acceptance or rejection of evidence by the learned trial Court. This Court feels that the impugned order has been passed after proper appreciation of evidence on record and application of judicial mind.

Consequently, the present revision petition fails and is hereby dismissed.

19.10.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No