

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

CRR No.384 of 2016.
Decided on:-01.02.2016.

Balkar Singh.

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Ms. Loveleen Dhaliwal, Advocate
for the petitioner.

HARI PAL VERMA, J.

Petitioner Balkar Singh has filed the present revision petition against order dated 12.1.2016 passed by learned Additional Sessions Judge, Kurukshetra whereby his application under Section 319 Cr.PC for summoning the additional accused as mentioned in column No.2 of the report under Section 173 Cr.PC to face trial in FIR No.369 dated 30.7.2015 under Section 304 IPC registered at Police Station Sadar Thanesar, has been dismissed.

Briefly stated, on 27.7.2015, Ramesh who was son of the petitioner, accompanied respondent No.6 Nasib Singh son of Shamsher

Singh and left the house of the petitioner at about 7.00 p.m. on his motorcycle so as to meet respondent No.2 Randhir Singh son of Dayal Singh. Later on, it came to the knowledge of the petitioner that other respondents were also present there. However, on 28.7.2015, the petitioner came to know that dead body of his son was lying in the *Khaal* of the field of accused Raghbir Singh and when he arrived at the spot, the dead body of his son was found with blisters on the hands and bleeding was present from the ear.

Learned counsel for the petitioner has argued that vide order dated 12.1.2016, learned trial Court has wrongly dismissed the application under Section 319 Cr.PC, though in the FIR, respondents No.2 to 7 have specifically been named. The investigating agency has given clean chit to them on the ground that death of son of the petitioner was on account of electrocution. As on date, only accused Raghbir Singh is facing trial for commission of offence under Section 304 IPC and, therefore, by not summoning the other accused, as referred in the application under Section 319 Cr.PC, learned trial Court has committed illegality. It has been contended that respondents No.2 to 7 are liable to face trial as there is sufficient evidence available against them.

I have heard learned counsel for the petitioner.

Admittedly, the FIR in question was lodged at the instance of petitioner Balkar Singh. In his statement Ex.P3, complainant-petitioner

Balkar Singh has disclosed to the police that on 27.7.2015 at about 7.00 p.m., his son was approached by Randhir Singh through Nasib Singh and said Nasib Singh had taken him to the place of Randhir Singh on a motorcycle. The complainant came to know that at the place of Randhir Singh, Sandeep, Sinder, Sukhwinder Singh and Harpal Singh were also present. On the next day i.e. 28.7.2015 at about 6.00 a.m., his brother Sher Singh told him that his son Ramesh Kumar was lying dead in the water channel in the field of Randhir @ Anil. The statement Ex.P3 shows that there was no allegation to the effect that respondents No.2 to 7, who are sought to be summoned through the instant petition, hatched a conspiracy leading to death of son of the petitioner-complainant.

The investigating agency has prosecuted owner of the field, namely, Raghbir Singh only as an accused and accordingly, charge has been framed under Section 304 IPC against him by the trial Court.

Learned trial Court has rightly dealt with the application under Section 319 Cr.PC filed by the petitioner-complainant by applying the law laid down by Hon'ble Apex Court in ***Hardeep Singh Versus State of Punjab and others 2014(1) RCR (Criminal) 623***. The evidence adduced by the prosecution does not depict even the prima-facie involvement of respondents No.2 to 7, who are sought to be arrayed as accused to face trial under Section 304 IPC.

In view of the above, no interference is warranted with the

impugned order dated 12.1.2016 passed by learned trial Court. As such, affirming the same, the present revision petition is dismissed.

February 01, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE