

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.3953 of 2016

.....

Date of decision:26.10.2016

Balwinder Kaur alias Parminder Singh

...Petitioner

v.

State of Punjab and another

Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Deepak K. Sharma, Advocate for the petitioner.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. against the impugned order dated 14.9.2016 passed by learned Additional Sessions Judge, Fatehgarh Sahib, dismissing the application filed by the prosecution under Section 319 Cr.P.C. for summoning Jarnail Singh OC as additional accused.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that firstly, it is a complaint case which has been filed by the complainant under Section 304 Part-II IPC against Rajinder Kumar, JE and Tarlochan Singh, SSA, both posted at Sub Station Punjab State Electricity Board at Sarai Banjara, Tehsil Rajpura, District Patiala. During the trial, an application was filed under Section 319 Cr.P.C.

by the prosecution for summoning Jarnail Singh OC.

A perusal of the complaint shows that no allegation has been levelled in the complaint by the complainant qua Jarnail Singh OC. Rather, the allegations are against Rajinder Kumar, JE and Tarlochan Singh, SSA that due to their negligence, electricity was connected when the husband of the complainant-Balwinder Kaur was repairing the main line and he died. PW-2 Kashmira Singh when appeared in the witness box did not support the complainant's version. He was declared hostile. In cross-examination by the PP, PW-2 stated that the electricity was connected by Jarnail Singh. Except this statement in cross-examination of PW-2, there is no other evidence on record to connect Jarnail Singh with the occurrence. There is no other record of any type to show that Jarnail Singh had connected the electricity to the main line which was being repaired. There is nothing on the record to show that Jarnail Singh was knowing that the main electricity line is being repaired. There is also nothing to show his intention or knowledge regarding the same. There is no other thing on record to show that Jarnail Singh had connected the electricity to main line.

The learned trial Court in the order held that when PW-2 Kashmira Singh examined in the preliminary evidence, at that time, he had not deposed anything against Jarnail Singh that he connected the electricity with the main line.

Keeping in view the facts and circumstances of the present case and the evidence on record, I find that it does not appear to the Court that the additional accused Jarnail Singh, to whom the prosecution wants to

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summon, is involved in the commission of the offence. Therefore, the order dated 14.9.2016 passed by the learned Additional Sessions Judge, Fatehgarh Sahib is correct as per evidence and law and no illegality has been committed and the same is upheld.

Therefore, finding no merit in the present petition, the same is dismissed.

October 26, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No