

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

CRR No.4175 of 2016.

Date of Decision: 10.11.2016.

Daljit Kaur @ Jugnu

....Petitioner.

VERSUS

State of Punjab and another

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Madan Lal Saini, Advocate for the petitioner.

SNEH PRASHAR, J.

On an application under Section 319 of the Code of Criminal Procedure (for short, “Cr.P.C.”), given by the Public Prosecutor for the State, petitioner Daljit Kaur @ Jugnu has been summoned as an additional accused in the criminal case pertaining to First Information Report No.207 dated 28.06.2015 under Sections 323, 447, 341, 34 of the Indian Penal Code (for short, “IPC”) registered at Police Station Dakha.

The submissions made by Mr. Madan Lal Saini, learned counsel representing the petitioner have been considered.

Perusal of the impugned order dated 03.06.2016 passed by learned trial Court reveals that in the First Information Report the

complainant had specifically mentioned presence of petitioner Daljit Kaur

@ Jugnu during the occurrence and had stated that she was armed with a stick (Soti) and had inflicted injuries on him with the same. It was also mentioned in the order of learned trial Court that during investigation an enquiry into the matter was held by Deputy Superintendent of Police (Investigation), Ludhiana (Rural) and as per his report as well, petitioner Daljit Kaur @ Jugnu had actively participated in the occurrence and had used a stick for causing injuries to the complainant party. However, Superintendent of Police, Ludhiana (Rural) on reinvestigation, though found Daljit Kaur @ Jugnu present in her parental home on the day of occurrence, but he concluded that she was not present at the spot.

The police did not challan petitioner Daljit Kaur but all the other persons named as accused in the First Information Report were arrested and challaned. During trial of the case, the complainant appeared in the witness box and gave a detailed narration of the occurrence as incorporated in the First Information Report. He reiterated about participation of petitioner Daljit Kaur in the occurrence and attributed specific injuries to her. A cross case is also stated to have been registered against the complainant party. It rather appears strange that when during investigation and enquiry it was found by the investigating agency that as stated by the complainant the petitioner had participated in the occurrence and reinvestigation also indicated her presence at her parental home, how the police on its own ignored the testimony of complainant and his witnesses and did not challan the petitioner.

There being sufficient material to prove involvement of the petitioner, learned trial Court rightly summoned her as an additional

Finding no infirmity or perversity in the order of learned trial Court, the petition being devoid of merit is dismissed.

(SNEH PRASHAR)
JUDGE

10.11.2016
jitender

Whether speaking/ reasoned : Yes

Whether Reportable : No