

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

CRM-M-18123-2016

Date of decision: 18.01.2017

Mandeep Kaur

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Prashant Bansal, Advocate,
for the petitioner.

Ritu Bahri, J.

This petition has been filed against the order dated 09.05.2016 (Annexure P-5) passed by the Additional Sessions Judge, Ludhiana, dismissing the revision petition filed by the petitioner and upholding the order dated 15.12.2015 (Annexure P-4) passed by the Judicial Magistrate Ist Class, Ludhiana, whereby application made by the prosecution for summoning of Balwinder Singh, Jaswinder Kaur, Amandeep Kaur, Rachpal Singh as additional accused to face trial, has been dismissed.

While passing the impugned order (Annexure P-5), it has been observed by the revisional Court that the alleged beatings were given to the complainant on 24.05.2014, whereas she got herself medically examined on 28.05.2014. As per MLR (Annexure P-6), there were only superficial injuries on her person. Even probable duration of the injuries were not given.

Further perusal of the MLR shows that the complainant was

advised to take the opinion of gynecologist. When she consulted the

gynecologist, it was found that she was three months' pregnant. Keeping in view that the injuries alleged to have been suffered by complainant-petitioner were superficial in nature, the application for summoning the additional accused has been rightly dismissed by both the Courts below. Moreover, finding a *prima facie* case, challan has been presented against her husband and is facing the trial for causing the alleged injuries on her person. There is no material evidence available on record, on the basis of which, the aforesaid persons could be summoned to face trial along with the main accused.

After going through the impugned orders, this Court is of the view that the application filed by the prosecution under Section 319 Cr.P.C. has been rightly dismissed by appreciating the evidence in the right perspective.

Dismissed.

18.01.2017
ajp

(RITU BAHRI)
JUDGE

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