

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25359-2017 (O&M)

Date of decision: 27.07.2017

Sukhjinder Singh

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL.

Present: Ms. Suminderdeep Kaur, Advocate for
Mr. Rajeev K. Kapila, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 05.08.2016 passed by JMIC Dasuya whereby the application of the prosecution under 319 Cr.P.C. for summoning him as additional accused has been allowed as well as the quashing of the order dated 07.04.2017 passed by the Additional Sessions Judge, Hoshiarpur whereby revision thereagainst has been dismissed.

Learned counsel for the petitioner contends that petitioner has been summoned only on the bald statements of PW-1 and PW-2 and his role in the occurrence does not find mention in the FIR.

I have heard learned counsel for the petitioner and do not find any merit in her submission.

The petitioner has been specifically named in the FIR which has been registered on the statement of Baldev Singh-complainant. In the FIR it is stated that Sukhjinder Singh (the petitioner) along with

others had beaten up Baldev Singh and Hardeep Singh. Although specific injury has not been ascribed to the petitioner in the FIR, but, the complainant Baldev Singh had deposed as PW-1 wherein he has specified injuries caused by the petitioner. His statement has also been corroborated by PW-2 Hardeep Singh who was the other person injured in the occurrence wherein the petitioner is said to have hit him on his forehead. The trial Court after recording evidence and perusing medico-legal report has come to the conclusion that prima facie case is made out against the petitioner. The statement is corroborated by the MLR. Even if we assume that the statement of PW-1 in the court is an improvement from the FIR, that by itself could be a factor which could be taken into account during trial after recording the evidence and cross-examination of the witnesses. Consequently, I find no merit in the petition which is accordingly dismissed. I hasten to add that nothing whatsoever which has been observed in this order shall not be construed to be an expression on the merits of the case.

(ANUPINDER SINGH GREWAL)
JUDGE

JULY 27, 2017

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Whether speaking/non-speaking: Yes/No

Whether reportable : Yes/No