

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1734-2016 (O&M)

Date of decision: February 07, 2017.

Hans Raj

... **Petitioner**

v.

State of Punjab and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri K.B. Raheja, Advocate for the petitioner.

Shri Abhishek Chautala, Assistant Advocate General, Punjab.

Shri Salil Bali, Advocate for respondent No.2.

A.B. Chaudhari, J. (Oral):

By way of the instant petition, the petitioner seeks quashing of order dated 5.12.2015 made by the court of learned Additional Sessions Judge, Fazilka whereby it refused to summon respondent No.2 – Darshan Ram as an additional accused to stand in an application filed under Section 319 Cr.P.C. by the prosecution.

Learned Counsel for the petitioner submitted that the statement made by respondent No.2 and his conduct in making false statement to the effect that his son and his wife (whom his son killed) had gone to village Banwala and that statement was found false during investigation, clearly attracted Section 201 IPC. The trial court ought to have summoned respondent No.2 to stand trial.

Heard learned Counsel for the rival parties.

There is no material whatsoever against respondent No.2, at least within the parameters of the Constitution Bench Judgment in Hardeep Singh v/s State of Punjab, 2014(1) RCR (Crl.) 623, so as to act under Section 319 Cr.P.C.

I agree with the following reasons recorded by the learned trial court in para 6 of the impugned order, which I quote hereunder:-

“6. As the prosecution has examined six PWs and there is no evidence against Darshan Ram that he was in connivance with accused Jagjit Kumar regarding the murder of Rittu Bala. There is nothing on record that complainant Darshan Lal has tried to mislead the police and it is not unnatural conduct of Darshan Lal to lodge the FIR after the murder of his daughter-in-law when he reached in his house and found his daughter-in-law lying on the bed in her room.”

This Court in its order dated September 19, 20016 passed in CRR No.2756 of 2014 (Parmod Kumar v/s State of Haryana and others) has dealt with in detail the issue and applicability of Section 319 Cr.P.C. including the parameters laid down in Constitution Bench judgment in Hardeep Singh's case (supra). None of the parameters laid down in the aforesaid judgment is fulfilled in the instant case.

There being no merit in the petition, the same is dismissed.

[A.B. Chaudhari]
Judge

February 07, 2017.
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No