

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

CRR No.1983 of 2016 (O&M)

Decided on: 12.01.2017

Imran

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Gurdas Singh Salwara, DAG, Haryana.

Mr. Munfaid Khan, Advocate
for respondent No.4.

REKHA MITTAL, J.

CRM No.22759 of 2016

Allowed as prayed for.

Annexure P7 is taken on record.

CRR No.1983 of 2016 (O&M)

The present petition directs challenge against order dated 22.04.2016 passed by the Additional Sessions Judge, Palwal whereby application filed under Section 319 of the Code of Criminal Procedure (in short 'Cr.P.C.') to summon additional accused has been dismissed.

Counsel for the petitioner (complainant therein) has submitted that FIR No.101 dated 27.04.2015 was registered with Police Station Bahin, District Palwal for offence punishable under Sections 304-B, 498-A and 201 of the Indian Penal Code (in short 'IPC') with regard to death of Nazama, sister of the complainant. It is further submitted that two real sisters namely Nazama and Razia were married

to two real brothers namely Nasim Khan and Waris sons of Farukh and they are already facing trial before the Court below. It is further submitted that at present, the petition survives only qua summoning of Haroon son of Deenu as petition qua the remaining respondents namely Wasina, Farukh, Hazara, Haruni and Sadh has been dismissed whereas respondents No.8 and 9 are already accused before the trial Court.

To press his claim for summoning of Haroon as an additional accused, counsel has submitted that Razia, an eye-witness to the occurrence appeared in the witness-box and categorically stated in the following terms:-

“My father-in-law inflicted a danda blow on the head of my sister. My sister fell down on the ground.”

Further, he has invited attention of the Court towards the post-mortem report (Annexure P7) wherein injuries No.1 and 2 in the nature of diffused reddish contusions on the left front parietal region of the scalp and occipital region were noticed and as per the note on page 11 of the post-mortem report, contusions over the head were caused by blunt force impact. It has been vehemently argued that the trial Court failed to appreciate the materials on record in right perspective while dismissing application for summoning of additional accused particularly Haroon – respondent No.4.

Counsel representing respondent No.4 has supported the impugned order with the submission that statement of Razia recorded by the trial Court is exactly verbatim reproduction of her statement recorded under Section 161 Cr.P.C., therefore, there is no additional material on record justifying summoning of additional accused or for

I have heard counsel for the parties and perused the paperbook particularly the order impugned.

For the reasons aforesated, the petition fails and is accordingly dismissed. However, nothing stated in this order shall cause prejudice to either of the parties in the pending trial.

(REKHA MITTAL)
JUDGE

Yes/No

Yes/No