

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2930-2016

Date of decision : 13.01.2017

Suresh Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vishavdeep Singh Rana, Advocate,
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana,
assisted by ASI Ram Niwas.

Mr. Raj Kapoor Malik, Advocate,
for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

Learned counsel for the petitioner has filed this instant petition against the order dated 19.07.2016 passed by the learned Additional Sessions Judge, Kaithal, whereby application under Section 319 of the Code of Criminal Procedure, has been dismissed.

Learned counsel for the petitioner states that in the FIR No.114 dated 02.07.2015 under Sections 148, 149, 323, 324, 506 and 302 of the Indian Penal Code, registered at Police Station Guhla District Kaithal, there is a specific assertion that respondent No.2-Sinder Kaur also attacked the complainant/petitioner with stick, which fact is further substantiated from the testimonies of PW1-Suresh Kumar and Lakhbir Singh.

On the other hand, learned counsel for respondent No.2 states that the allegations made against respondent No.2 are vague and general in nature and the petitioner has voluntarily implicated respondent No.2 in the

present case, who is the wife of the main accused-Pola Ram.

Heard learned counsel for the parties.

It is noticed that during investigation carried out by the prosecution, no incriminating evidence has been collected against respondent No.2 in the FIR except the reference that respondent No.2 also attacked the complainant party with sticks. No specific injury has been attributed to respondent No.2. However, even the alleged weapon (stick) was not recovered at her instance. From the evidence on record, it is neither inferable that respondent No.2 caused specific injury to the complainant party nor the person, who received injury has come forward. This petition lacks specificity.

In view of the above, no case of interference in order dated 19.07.2016 passed by the learned Additional Sessions Judge, Kaithal, rejecting the application under Section 319 Cr.P.C., is made out.

Dismissed.

13.01.2017
adhikari

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :Yes No

Whether Reportable : Yes No