

CRR-683-2014 (O & M)

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

CRR-683-2014 (O & M)
Date of Decision: 04.10.2017

Bhupinder Singh Mann

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: None for the petitioner.

INDERJIT SINGH, J.

Vide order dated 27.09.2017, instant revision was ordered to be listed in the urgent list and it was specifically made clear that no further adjournment shall be granted and even written request for adjournment shall not be entertained.

However, none has appeared on behalf of the petitioner to address the arguments.

Petitioner-Bhupinder Singh Mann has filed this revision against respondents-State of Haryana, Shiv Kumar and Jasjeet Kaur, under Section 401 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.'), for quashing of order dated 02.12.2013 passed by learned Additional Sessions Judge, Karnal whereby application under Section 319 Cr.P.C., filed by the prosecution, for summoning of respondent No.3-Jasjit Kaur, as additional accused, was dismissed.

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Instant revision has been pending since 2014 and this Court has perused the record, itself, to see the legality of the impugned order.

From the record, I find that during the pendency of trial against accused-Shiv Kumar in FIR No.703 dated 25.09.2011, registered at Police Station Civil Lines, Karnal, under Sections 324, 307 and 34 of the Indian Penal Code, the prosecution moved an application under Section 319 Cr.P.C. to summon respondent No.3-Jasjit Kaur, as additional accused with the allegations that Bhupinder Singh-injured has been examined as a witness who received injuries at the hands of Shiv Kumar after raising *lalkara* by his wife Jasjit Kaur. The police has not challaned her. The role of accused-Jasjit Kaur is fully described and detailed in examination-in-chief, which is corroborated by other evidence.

Learned Additional Sessions Judge, Karnal, after going through the evidence, dismissed the application under Section 319 Cr.P.C. vide impugned order dated 02.12.2013.

Aggrieved from the said order, the present revision petition has been filed.

From the record, I find that in the impugned order, learned Additional Sessions Judge has discussed the version given by the complainant while recording the statement under Section 161 Cr.P.C. In the said statement, the complainant stated that he alongwith his brother Surinder Mann tried to make Shiv Kumar, accused and his wife Jasjit Kaur to understand and in the meanwhile, Shiv Kumar lost his temper and scaled over the wall and inflicted injuries. Learned trial Court has held that no role

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has been attributed to Jasjit Kaur in the statement of complainant under Section 161 Cr.P.C. except her presence that too in her own house. However, the complainant while appearing as PW 1 has made a material improvement regarding giving *lalkara*. Otherwise also, there is no attribution to the additional accused-Jasjit Kaur that she caused any injury or took any active role in the occurrence. From the evidence, it does not appear that Jasjit Kaur is also involved in the commission of offence.

From the above discussion, I find that the impugned order passed by learned Additional Sessions Judge is correct, as per evidence and law. In no way, it can be held that learned Additional Sessions Judge has committed any illegality while passing the impugned order.

Therefore, finding no merit in the present revision, the same is dismissed.

04.10.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No