

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

* * * * *

CRM-M No. 995 of 2017 (O&M)

Date of decision : 23-02-2017

* * * * *

Amandeep Kaur and others

.....Petitioners

Versus

Jagsir Singh

.....Respondent

* * * * *

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

* * * * *

Present: Mr. Amarjit Singh Ahluwalia, Advocate for the
petitioners.

* * * * *

RITU BAHRI, J.

Crl. Misc. No.4502 of 2017

Prayer made in the application is allowed.

Documents are taken on record subject to all just exceptions.

CRM-M No. 995 of 2017

Present petition has been filed by the petitioners against the judgment dated 27.9.2016 (Annexure P-4) passed by the Additional Sessions Judge, Bathinda, whereby the Criminal Revision No. 26 dated 21.5.2016 filed by the petitioners against the summoning order dated 4.12.2015 passed by the Additional Chief Judicial Magistrate, Bathinda (Annexure P-2), whereby the petitioners were summoned under Sections 452, 354, 323, 34 IPC in Criminal Complaint File No.41 dated 23.12.2013 titled as Jagsir Singh vs. Gagandeep Singh etc (Annexure P-1) has been dismissed.

Briefly stated, the facts of the case are that the respondent Jagsir Singh filed complaint against the petitioners under Sections

452/376/325/323/34 IPC with the averments that he has two sons namely Gursewak Singh and Gurpreet Singh. Paramjit Kaur is wife of Gursewak Singh. Gagandeep Singh accused is habitual of taking liquor smack and other vices and from the very beginning he is keeping the grudge with Gursewak Singh. Sometimes ago, Gursewak Singh met with an accident and due to which, there is defect in his leg and back bone and he cannot walk smoothly. On 5.6.2013 at 7 am when Gursewak Singh son of Jagsir Singh, respondent-complainant went to his work near the area situated at Basti No.5, Bir Talab Kala Singh, Gagandeep Singh and Gurmeet Kaur way laid him and passed the comment of *Langra* and gave beatings to him. He was admitted in Civil Hospital, Bathinda, where statement of Gursewak Singh was recorded, but no action was taken by the police. Paramjit Kaur wife of Gursewak Singh gave application to the SSP Bathinda, in this regard on 13.7.2013. Thereafter on 1.9.2013, at about 6 p.m, Gagandeep Singh entered into the house of complainant in drunkard condition. Gurpreet Singh son of complainant, Parmajit Kaur wife of Gursewak Singh, Mohinder Kaur, wife of complainant and Sukhvir Kaur wife of Gurpreet Singh were present in the house. Gagandeep Singh used filthy language to all the family members and when paramjit Kuar stopped him he tried to outrage her modesty. Thereafter at about 7:15 p.m, all the above said accused i.e Gagandeep Singh armed with *panch*, Gurmit Kaur armed with *danda* and Jaswinder Kaur and Amandeep Kaur armed with *sotties* forcibly entered in their house and gave beatings to Gurpreet Singh and Mohinder Kaur and Gagandeep Singh again tried to touch Paramjit Kaur. Gurpreet Singh and Mohinder Kaur were also admitted in the Civil Hospital, Bathinda. FIR No.71 dated 18.9.2013 under Sections 325/323/34 IPC was

registered against the complainant Jagsir Singh. On 10.11.2013 at about 8:00 a.m accused persons again threatened Gursewak Singh. The complainant also gave application to the SDM, Bathinda as the police challaned the complainant U/S 107/151 Cr.P.C.

In preliminary evidence, the complainant examined Harbans Singh as CW-1, Mohinder Kaur as CW-2, Gurpreet singh as CW-3, Gursweak Singh as CW-4 and complainant Jagsir Singh examined himself as CW-5. Documents Ex.C1 to Ex.C14 were tendered into evidence and the preliminary evidence was closed.

Keeping in view that there was enmity between the two families, challan of the complainant under Section 107 Cr.P.C coupled with the documents Ex.C1 to Ex.C14, and following the law laid down by the Supreme Court in *Chandra Deo singh vs. Prakash Chand Bose (1964) SCR 39* and *Bhushan Kumar vs. State (NCT of Delhi) reported in 2012 (2) RCR CrL 794 (SC)* the summoning order dated 4.12.2015 (Annexure P-2) has been rightly passed and the revision petition filed against the summoning order has been rightly dismissed.

In view of what has been discussed above, there is no infirmity or illegality in the orders passed by the Courts below that would require the interference of this Court. There is no merit in the present petition. Hence the same is hereby dismissed.

23-02-2017

ritu

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No