

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

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CRM-M No.14851 of 2018 (O&M)
Date of Decision: April 16th, 2018

Anil Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Anupam Sharma, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM No.13052 of 2018

Prayer in this application is for permission to place on record documents Annexures P-1 to P-9 and for exemption from filing the certified copies thereof.

Application is allowed subject to just exceptions.

Documents Annexure P-1 to P-9 are taken on record.

Exemption from filing certified copies of Annexure P-1 to P-9 is granted.

CRM-M No.14851 of 2018

Challenge in this petition is to the order dated 23.07.2014 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Panipat, whereby application under Section 319 Cr.P.C. preferred by the petitioner-complainant for summoning Saroj Bala wife of Subhash as additional accused in FIR No.179 dated 05.05.2006, has been dismissed and the revision petition preferred against the said order has also been dismissed by the learned Additional Sessions Judge, Panipat, by judgment dated 29.09.2017 (Annexure P-1).

It is the contention of learned counsel for the petitioner that the

learned Courts below have dismissed the application preferred by the petitioner under Section 319 Cr.P.C. for summoning Saroj Bala as additional accused merely on the ground that there is a minor discrepancy with regard to the weapon which was being carried by Saroj Bala at the time of commission of offence. He asserts that in the FIR and the statements of the witnesses recorded under Section 161 Cr.P.C., the weapon which is alleged to have been used in the commission of the offence by Saroj Bala is an iron rod, whereas in the statement given in the Court, the said weapon of offence has been mentioned as a wooden stick. It is merely because of this discrepancy, the application preferred by the petitioner under Section 319 Cr.P.C., has not been accepted by the Courts below. He prays that the said application deserves to be allowed as Saroj Bala has been specifically named in the FIR and a role has been attributed to her.

I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the impugned orders but do not find myself in agreement with the submissions of the counsel for the petitioner.

The weapon and the nature of injury make a great difference when an offence is alleged to have been committed by a person. There was specific case of the complainant as also the other witnesses that the weapon of offence carried and used by Saroj Bala was an iron rod. Obviously the injury which is alleged to have been given by her would have been totally different from the one which would have been caused by a wooden stick. On investigation, the investigating agency did not find Saroj Bala to be involved in the commission of the offence. The reasons assigned for not accepting the application of the petitioner are justified and based upon

proper appreciation of the evidence on record. The impugned orders being in consonance with the facts and circumstances and the law, no interference by this Court is called for in exercise of extraordinary jurisdiction of this Court.

The petition, being devoid of merits, stands dismissed.

April 16th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No