

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

**CRM-M-2734-2018
Decided on 07.03.2018**

Karnail Singh @ Jaila and another **.... Petitioners**

Versus

State of Punjab and another **.... Respondents**

CORAM HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Dinesh Nagar, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J (ORAL)

Petitioners have approached this Court impugning the order dated 25.09.2017 (Annexure P-6) where the petitioners have been summoned as additional accused on an application moved by the prosecution under Section 319 Cr.P.C.

2. It is the contention of the learned counsel for the petitioners that after the registration of the FIR, an enquiry was held, in which, the petitioners were found innocent and in fact it was stated that petitioners have been falsely implicated because of party factionalism in the village. Apart from that, it had come on record in the enquiry report that the land of the petitioners was not adjacent to where the incident had taken place. He, thus, contends that the trial Court merely on the statement of the complainant, who is not even an eye witness, has summoned the petitioners under Section 319 Cr.P.C. without taking into consideration the enquiry report which is part of the challan. He, therefore, submits that the impugned order dated 25.09.2017 cannot sustain and deserves to be set aside.

3. Having heard the counsel for the petitioners and having considered all the submissions made by him as also going through the enquiry report and the statement of the complainant made before the trial Court as PW-1 on 09.08.2017, the FIR and the impugned order, this court does not find itself in agreement with the contentions raised by the counsel for the petitioners.

4. It is true that the enquiry report is there on record which, when seen, does indicate that it is because of the party faction that the petitioners have been implicated in this case, however, there is a specific allegation with regard to the factum of a naked iron wire installed by the petitioners around their field where electric current was running when the incident had taken place. The statement of the complainant is clear and specific to the effect that the electricity was running at the behest and on the asking of the petitioners. That apart, the foot of the son of the complainant-deceased got entangled in the iron wire, which led to his death because of electrocution.

5. The contention of the counsel for the petitioners that the land of the petitioners is away from, where the incident had taken place, cannot be accepted at this stage, as nothing has come on record that the death of the son of the complainant had taken place, in the area which did not have any electric current or that it was not adjacent to the field of the petitioners. As a matter of fact and as per the evidence on record and the challan, the cause of death of the son of the complainant, namely, Harvinder Singh was because of electrocution and that too in the land of the petitioners.

6. The trial Court has rightly appreciated the evidence on record and the statement of the complainant to summon the petitioners under Section 319 of the Code of Criminal Procedure, especially when the petitioners have been specifically named and a specific role has been attributed to them in the FIR and in the subsequent statement given by him before the trial Court.

7. The present petition stands dismissed. However, any observation made by this Court shall have no effect/bearing on the proceedings before the trial Court in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

07.03.2018
Dinesh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No