

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-39426 of 2016

Date of Decision: October 22, 2018

Phuman Singh and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Mansur Ali, Advocate
for the petitioners

Mr. Kirat Singh Sidhu, DAG Punjab

Mr. Manpreet Singh Longia, Advocate
for respondents No. 2 and 3

Sudhir Mittal, J. (Oral)

The petitioners are the complainants. They got registered FIR No. 192 dated 26.12.2009 at Police Station Sadar, Rupnagar under Sections 325, 323, 34 IPC, against a number of persons including the private respondents. While presenting the report under Section 173 Cr.P.C., the private respondents were kept in column No. 2. Thereafter, charges were framed and the trial commenced. From the prosecution side, PW-1 Phuman Singh, PW-2 Dayal Singh, PW-4 Dr. Harleen Kaur Lalli and PW-6 Gurinder Kaur and some other witnesses were examined. Thereafter, an application under Section 319 Cr.P.C. was filed for summoning the private respondents as additional accused. Vide order dated 30.03.2016, the trial Court allowed the said application and summoned the private respondents as additional accused. Aggrieved by the said order, a revision petition was preferred and vide order dated 17.10.2016, the same has been accepted. Hence, the present revision petition for quashing of order dated 17.10.2016 passed by the revisional

Learned counsel for the petitioners submits that the medical evidence as well as the statements of the prosecution witnesses supports the case of the complainant in as much as all the prosecution witnesses have stated that Gurinder Kaur (daughter-in-law of the complainant) suffered simple injuries at the hands of the private respondents. This is also supported by the medical evidence and therefore, learned revisional Court was in error in allowing the revision petition.

Learned counsel for the private respondents submits that the impugned order is well reasoned and does call for any interference.

The statements of PW-1, PW-2 and PW-6 categorically names the private respondents and their role of causing simple injury has been described therein. These statements are corroborated by the testimony of Dr. Harleen Kaur Lalli as PW-4. Under the circumstances, the requirements of Section 319 Cr.P.C. had been satisfied and, thus, learned revisional Court was not justified in setting aside the order of the trial Court.

The petition is accordingly, allowed and order dated 17.10.2016 (Annexure P-9) passed by the Sessions Judge, Ropar is quashed and the order dated 30.03.2016 passed by the JMIC, Ropar stands revived.

October 22, 2018
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[SUDHIR MITTAL]
JUDGE

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