

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

CRR-4520-2015 (O&M)

Date of Decision:-2.7.2018

Daljit Kaur @ Gurpreet Kaur and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jitender Singh Dadwal, Advocate for the petitioners.

Mr. A.S. Sandhu, Additional, Advocate General, Punjab.

GURVINDER SINGH GILL, J. (Oral)

The petitioners challenge order dated 1.10.2015 passed by learned Additional Sessions Judge, Ludhiana, whereby they have been ordered to be summoned with the aid of Section 319 Cr.P.C. so as to face trial along with other accused namely Harmanpreet Singh @ Happy, Rupinder Singh, Kuldeep Singh @ Leela, Talwinder Singh @ Nikku and Inderjit Singh.

The learned counsel contends that the petitioners have been falsely implicated and that in fact statement of the complainant Santokh Gill is an improvement and cannot be relied upon.

I have considered the aforesaid submission.

The allegations, in nutshell, as per FIR, are that on 6.9.2014, when the complainant along with other members of his family returned back home from Ropar and as he opened the main gate of his house then 4-5 ladies along with 7-8 young persons headed by Nikku armed with iron rods and

hockey sticks came there. Harpreet Singh @ Happy, Gurmit Kaur, Daljit Kaur and Happy's sister also accompanied them and they attacked them. It is alleged that a blow with iron rod was given on the head of the complainant with an intention to kill him and that Nikku and his co-accused also gave blows on his right leg and one of them also pointed a .12 bore rifle on head of the complainant and abused him. It is further alleged that they spat on his mouth and took away an amount of ₹ 27,000/-. The matter was investigated by the police. While challan was presented against Harmanpreet Singh @ Happy, Rupinder Singh, Kuldeep Singh @ Leela, Talwinder Singh @ Nikku and Inderjit Singh, the present petitioners were kept in column No.2. Upon commencement of the trial statement of the complainant Santokh Gill was recorded, wherein he specifically deposed that the present petitioner had been instigating other accused not to spare the complainant. The complainant further stated therein that all the accused spat on him with a view to hurt his dignity. The prosecution thereafter moved an application under Section 319 Cr.P.C. seeking summoning of the present petitioners, which was allowed vide impugned order, which has been challenged by way of filing the present petition.

Upon perusal of the FIR and also the statement of the complainant, which has been annexed with the petition, I find that not only the present petitioners are specifically named in the FIR but the complainant, while in the witness-box, has specifically stated that the petitioners had been instigating other accused and had spat on the complainant.

In view of the aforesaid specific role attributed in the statement and the presence of the petitioners having been specifically recorded in the

FIR, I do not find any infirmity in the impugned order and the same is hereby upheld. However, since all the petitioners are ladies, the presence of the petitioners before the trial Court shall remain exempted unless specifically required or directed by the trial Court.

The trial Court shall proceed with the trial in accordance with law.

The present petition stands dismissed with the aforesaid directions.

2.7.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No