

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

235

**CRR No.100 of 2017 (O&M)
Date of Decision: July 06, 2018**

Virendri

.....PETITIONER(s).

VERSUS

State of Haryana and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ram Bilas Gupta, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Jai Bhagwan Sharma, Advocate
for respondents No.2 and 3.

SURINDER GUPTA, J.(Oral)

Heard.

This is revision petition against the order dated 22.12.2016 whereby the application filed by the petitioner for summoning respondents No.2 and 3 as an accused was dismissed.

At the very outset, learned counsel for the petitioner has pointed out that learned District and Sessions Judge has made certain observations in the order, which are apparently not correct and are against the record. He has observed that there was only one injury on the head of Ram Kumar and no other injury was found on his body, as such injuries attributed to respondents No.2 and 3 were not there.

While referring to the post-mortem report of the deceased (Annexure P-5), learned counsel for the petitioner has argued that there

line was found at the time of post-mortem examination on the dead body of the deceased. In the post-mortem report (Annexure P5), following injuries on the person of the deceased were found:-

External Examination (Injuries etc.):

1. Reddish brown scabbed abrasion of size 1 cm x 0.5 cm present over right zygomatic area, 5 cm lateral to midline & 2 cm below right eye.

2. Reddish brown scabbed multiple abrasions of size ranging from 0.5 cm x 0.5 cm to 2.5 cm x 1.5 cm over an area of 6 cm x 4 cm present over back of left elbow joint.

3. Reddish brown scabbed multiple abrasions of size ranging from 0.5 cm x 0.5 cm to 2.0 cm x 1.0 cm over an area of 7 cm x 4 cm present over back of right elbow and right forearm.

Internal Examination

Neck Structures: NAD.

Chest:

Collar Bone/Sternum/Ribs: Fracture of left 2nd rib in midclavicular line present with extravasation of blood in surrounding tissue.”

A perusal of the injuries mentioned in the postmortem report shows that the entire basis of the order passed by the learned Sessions Judge, Faridabad in his order dated 22.12.2016 are against facts of record. Learned trial Court has observed that respondents No.2 and 3 cannot be summoned and their involvement in the occurrence is not proved as no injuries attributed to them was found on the person of the deceased. While making above observations, the learned trial Court has overlooked the injuries on the person of the deceased as mentioned in the postmortem report.

Keeping in view the above fact, order dated 22.12.2016 is set aside and the learned trial Court is directed to look into the injuries found on the person of the deceased as mentioned in the MLR and the postmortem report, evidence on record and decide the application filed by the prosecution and the complainant afresh.

Accordingly, the revision petition is allowed.

It is, however, made clear that nothing observed herein shall be taken as an expression of opinion of merits of the case.

(SURINDER GUPTA)
JUDGE

July 06, 2018
A.Kaundal

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No