

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

(1) CRR-3440-2017
Date of decision:-1.2.2018

Sehnaz and another

...Petitioners

Versus

State of Haryana

...Respondent

(2) CRR-3734-2017(O&M)

Abdul Mazid

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sarfraj Hussain, Advocate
for the petitioners in CRR-3440-2017.

Mr.Pradeep Virk, Advocate
for the petitioner in CRR-3734-2017.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

By this order, I shall dispose of two criminal revisions i.e.

CRR-3440-2017 filed by petitioners - Sehnaz and another and CRR-

3734-2017 filed by petitioner Abdul Mazid, all of them being aggrieved with order dated 10.7.2017 passed by learned Additional Sessions Judge, Mewat vide which they have been summoned as additional accused while allowing application under Section 319 Cr.P.C.

Briefly stated, facts of the case are that FIR in this case was registered at the instance of complainant Khursheed son of Sahab Khan, resident of village Bisru, Police Station Punhana, District Nuh, who in the written complaint submitted by to SHO, Police Station Nagina stated that his sister Suhani was married with Mazid son of Chote Lal, resident of village Bukharaka as per Muslim rites about 10 years ago; that the couple had three daughters and Suhani was in a family way carrying pregnancy of 7-8 months; that right from the beginning, she was subjected to beatings and maltreatment at the hands of her husband and in-laws; that despite being counselled, they did not meant their ways; that on 16.5.2016 at about 2:00/2:30 p.m., Mazid, his son Salim, Matin son of Salim and Sehnaz wife of Salim in conspiracy with each other committed murder of Suhani; that her (Suhani) parental family was not informed in that regard, therefore, necessary action be taken. After registration of the formal FIR, the matter was investigated. Abdul Matin son of Salim was found to be the culprit and he was accordingly challaned. During the course of trial, prosecution moved an application under Section 319 Cr.P.C., which was allowed by the trial Court vide the impugned order. The petitioners, who have been summoned as additional accused are aggrieved by the said order and they pray that the same be set aside by way of acceptance of the revision petitions.

I have heard learned counsel for the parties besides going through the record.

The main contention of learned counsel representing petitioner – accused Abdul Mazid is that he was not present at the spot at the relevant time, which is evident from the call details and tower location of his mobile phone, therefore, his participation in the crime is suspect. Though this contention was raised before the trial Court but the trial Court did not deal with it properly by non-application of mind, as such, the order be set aside.

Learned counsel representing the other petitioners have come up with the plea that police after thorough investigation of the matter had found Abdul Matin to be the culprit, whereas the remaining persons named in the FIR were not challaned. The trial Court has wrongly relied upon the statement of the complainant while summoning the petitioners.

Whereas learned State counsel has defended the order to be legal and valid.

After hearing the rival contentions of the parties, I conclude that no ground is made out to interfere with the impugned order while exercising the revisional jurisdiction since it does not suffer from any illegality or infirmity much less apparent on the face of it. The order is well reasoned one and it cannot be said that it has been passed in violation of settled principles of criminal jurisprudence. The contentions now raised by counsel for the petitioners in the revision petitions have been dealt with in detail and such objections have been duly met with. The latest law on the subject has been discussed and thereafter the trial Court has come to

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the conclusion that the application deserves to be allowed.

Finding no merits, both the petitions stand dismissed.

1.2.2018
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No