

101-A

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

**CRR No.3222 of 2018 (O&M)
Date of Decision: October 12, 2018**

Karamjit Kaur

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kulbhushan Raheja, Advocate
for the petitioner.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner against respondent State of Punjab, challenging the order dated 01.09.2018 passed by learned Addl. Sessions Judge, Faridkot, vide which the application under Section 319 Cr.P.C. has been allowed and the petitioner has been summoned as additional accused.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that challan was presented against Hardeep Singh and other accused in case FIR No.77 dated 18.06.2017 under

Sections 302, 341, 323, 506 and 34 IPC by the police of Police Station Sadar, Faridkot. The FIR was recorded on the statement of Balbir Singh, complainant (died later on). As per statement of Balbir Singh, Karamjit Kaur along with other co-accused caused injuries to him and his son Jagdev Singh. But during enquiry, Karamjit Kaur was declared as innocent by keeping her name in column No.2 and only Hardeep Singh and Mehakdeep Singh were challaned to face trial. In the application, it is stated that as per settled law, accused can be convicted only on the basis of dying declaration and it was prayed that Karamjit Kaur be summoned as additional accused.

Learned Addl. Sessions Judge, Faridkot, after discussing the evidence, allowed the application and summoned the petitioner as additional accused to face trial along with other accused already facing trial.

From the perusal of the record, I find that PW Jagdev Singh and PW Manjit Kaur have not supported the version of the prosecution and were declared hostile but statement Ex.PW3/A of PW Balbir Singh, which is duly attested by PW-3 Head Constable Gurjeet Singh, Investigating Officer, is proved. Head Constable Gurjeet Singh admitted thumb impression of Balbir Singh on the statement and also his signatures, though, he stated that he has signed on blank papers. Keeping in view the statement of Balbir Singh (now deceased), which the trial Court says, can be treated as dying declaration, I find that it appears to the Court that present petitioner is also involved in the commission of the offence and should be summoned to face trial along with other accused already facing the trial. Otherwise also, the petitioner is named in the FIR. It is stated that she came along with Hardeep Singh and Mehakdeep Singh on tractor and all of them, waylaid complainant and his son. Thereafter, Karamjit Kaur gave brick bat blow on

the forehead of the complainant (now deceased).

Learned counsel for the petitioner contended that earlier, application under Section 319 Cr.P.C. was already dismissed by the Court. I have gone through the order dated 17.05.2018 passed by learned trial Court, wherein, the Court only disposed of the application under Section 319 Cr.P.C. by stating that prosecution is at liberty to file a fresh one, after examining PW Jagdev Singh and PW Manjit Kaur, as at that time, dying declaration was not proved.

In view of the above discussion, I find that the impugned order dated 01.09.2018 passed by learned Addl. Sessions Judge, Faridkot, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present revision petition, the same is dismissed.

October 12, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No