

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

CRR-3931-2018

Date of Decision:-03.12.2018

Dilbag Singh @ Bagga and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Hakam Singh, Advocate
for the petitioners.

GURVINDER SINGH GILL, J. (Oral)

CRM-42675-2018

In view of the reasons mentioned in the application, delay of 9 days in filing the present criminal revision petition is condoned.

The application stands accepted.

Main Case

By way of filing this petition, the petitioners assail order dated 20.08.218 whereby they have been summoned to face trial along with co-accused Jaswinder Singh.

The FIR in the present case was lodged at the instance of Virpal Kaur wherein she has stated that she was married to Jaswinder Singh about 16/17 years back, who is habitual drunkard and that he frequently beats her

and turns her out of the house. On 26.04.2017, her husband along with Jasbir Singh @ Jassu and Dilbag Singh @ Bagga were consuming liquor in her house. It is alleged that Jasbir Singh @ Jassu and her husband Jaswinder Singh @ Mana were carrying 12 bore guns. When her husband asked her to fetch water, she sent the same through her son, upon which Dilbagh Singh @ Bagga and Jasbir Singh @ Jassu instigated her husband by saying that his wife is not obeying his orders and that he should shoot her. Upon said instigation, her husband fired from his gun which hit her on her feet. Initially the police presented challan against husband of the complainant i.e. Jaswinder Singh @ Mana but subsequently Dilbag Singh @ Bagga and Jasbir Singh @ Jassu i.e. present petitioners have been summoned with the aid of Section 319 Cr.P.C.

Learned counsel for the petitioners has submitted that they have falsely been implicated in the present case and that as per FIR itself it is evident that husband of the complainant is a drunkard, who frequently used to give beatings to the complainant and it is on account of matrimonial discord, that the FIR has been lodged and the petitioners have been roped in merely on account of the fact that they are fiends of complainant's husband.

I have considered aforesaid submissions addressed before this Court. I find that there are specific allegations levelled in the FIR wherein it has specifically been alleged that the complainant's husband was consuming liquor along with the petitioners and the complainant when asked to get water, had sent the same through her son, then the petitioners instigated her husband to fire at the complainant while stating that the complainant is not obeying him. While in the witness box, the complainant reiterated the same

allegations. The aforesaid allegations *prima facie* show the involvement of the present petitioners. In these circumstances, this Court does not find any ground to interfere with the impugned order and the same is hereby upheld. There is no merit in the criminal revision petition, and the same is hereby dismissed.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

03.12.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No