

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

**CRM-M No. 32040 of 2018
Date of Decision:-14.05.2019**

Savitri

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Satish Chaudhary, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Saleem Ahmed, Advocate
for respondent No.2.

MANOJ BAJAJ J.(Oral)

Petitioner Savitri has challenged the order dated 21.4.2018, passed by revisional Court, whereby it has upheld the summoning order dated 04.12.2017 (Annexure P-1) passed under Section 319 Cr.P.C., by trial Court in case FIR No.345 dated 20.8.2014, under Sections 147, 148, 323, 452, 325, 506 IPC, registered at Police Station Punhana.

The facts in brief are that the complainant moved an application under Section 319 Cr.P.C. for summoning of Savitri w/o Sunder, Kanhiya Lal s/o Mangal, Dinesh and Mahesh sons of Kanhiya Lal, all residents of Village Rehpua, Police Station Pinangwan as additional

accused. According to the complainant, he had duly mentioned the fact that all the accused persons including the persons sought to be summoned as additional accused had caused injuries to him as well as Kartar, but the Investigating Officer in collusion with the aforesaid persons kept them in column No.2, as innocent. The names and role of the accused persons have been duly mentioned in the statement made by the complainant to the police, in the FIR as well as in his deposition before the Court as PW8 and accordingly, the complainant prayed for them as additional accused. The trial Court partly allowed the application and summoned Savitri (petitioner) w/o Sunder as additional accused, whereas qua Kanhiya Lal, Dinesh and Mahesh, the application was dismissed. The order of trial Court was upheld by, learned Sessions Judge, Mewat, who had dismissed the revision vide order dated 21.4.2018.

Learned counsel for the petitioner has argued that the petitioner was found innocent and was not present at the spot. According to him, the trial Court has erred while exercising power under Section 319 Cr.P.C. by allowing the same without correctly appreciating the facts and material on record.

On the other hand, learned State counsel, assisted by ASI Naseem Akhtar and learned counsel for the complainant opposed the prayer made in the petition on the ground that the trial Court as well as the Revisional Court have rightly passed the impugned orders by observing that petitioner Savitri was very much present on the spot and injury was caused by Savitri (petitioner) to Kartar. The oral evidence of the witnesses

regarding injury to Kartar on his head with stone by Savitri is duly made out and the same is also corroborated by the medical evidence also.

After hearing learned counsel for the parties, this Court is of the opinion that the exercise of power under Section 319 Cr.P.C. is based on correct appraisal of material on record. The trial Court specifically noticed the stand adopted by the petitioner in the bail application, wherein it was pleaded that she also suffered injuries in the occurrence. Apparently, it can be inferred that the petitioner was present at the time of occurrence and the allegations of causing the injuries by stone are attributed to her by the complainant in his evidence before the Court. The decision of the trial Court was upheld by revisional Court.

In view of the above, this Court does not find any valid reason to interfere in the impugned orders.

Resultantly, the petition is hereby dismissed.

May 14, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No