

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

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CRR No.1299 of 2019 (O&M)

Date of decision : 08.07.2019

Nachhatar Singh

... Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Surinder Garg, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 09.04.2019 passed by the Additional Sessions Judge, Faridkot whereby the application under Section 319 Cr.P.C. for summoning respondents No.2 and 3 has been declined.

FIR No.108 dated 07.05.2016 had been registered under Section 306 of the Indian Penal Code on the complaint of Nachhatar Singh wherein it is mentioned that his son, namely, Bohar Singh had been beaten up by Jagroop Singh and Jagdev Singh as there was dispute of obstruction in the drainage of their house. Out of fear, Bohar Singh had run away and he was followed by the accused. His body was later found in the canal. Learned counsel for the petitioner contends that there was more than *prima facie* evidence to connect respondents No.2 and 3 with the commission of offence. The complainant, namely, Nachhatar Singh while deposing as PW-1, had categorically named them and described their active role in the commission of offence.

Heard.

It is manifest that besides the statement of the complainant-Nachhatar Singh, who has merely reiterated his version in the FIR, there is no other prima facie evidence which would connect respondents No.2 & 3 with the commission of the offence. Nachhatar Singh (PW-1) in his examination-in-chief himself stated that he was away from his house at the time of the occurrence and when he had returned at about 10 am, his wife, namely, Balwinder Kaur and other neighbours had told him about the occurrence. Therefore, his evidence is in the nature of hearsay and by itself, cannot be held to be sufficient to summon respondents No.2 & 3 to face trial. Consequently, I do not find any merit in the instant revision petition and the same is hereby dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

July 08, 2019
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No