

In the High Court of Punjab and Haryana at Chandigarh

Criminal Revision No. 1471 of 2019 (O&M)
Date of Decision: 17.6.2019

Surinder Kaur @ Shindo and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. G.K.Hundal, Advocate
for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

The present revision has been filed against the order dated 16.5.2019 vide which the Additional Sessions Judge, Shaheed Bhagat Singh Nagar, while taking into consideration the statement under Section 161 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' for short) and examination-in-chief by PW-1 Shingara Singh, has allowed the application for summoning Baggu, Dilbagh Rai and Shindo under Section 319 Cr.P.C. and they were ordered to be summoned under Sections 120-B read with Section 302 and 201 IPC.

I have gone through the order dated 16.5.2019 passed by Additional Sessions Judge, Shaheed Bhagat Singh Nagar. To my mind, the Court below has not applied its mind while passing the impugned order as Ranjit Kumar has been shown as the husband of deceased Jaswinder Kaur in the said order whereas as per the statement of Tirath Ram (Annexure P-1) and the statement of Surinder Singh, Sarpanch (Annexure P-2), Jaswinder

Kaur has been shown as wife of Shingara Singh.

Moreover, Ms. G.K.Hundal, Advocate appearing for the petitioner has also pointed out that it has been wrongly shown that Jaswinder Kaur is the wife of Ranjit Kumar. This mistake has been committed by the Court below time and again which shows that the Court below was not properly assisted by the counsel appearing on behalf of the State as well as on behalf of the accused.

Taking into consideration the above facts and circumstances, the order dated 16.5.2019 is set aside and the case is remanded back to the Additional Sessions Judge, Shaheed Bhagat Singh Nagar with a direction to hear the parties and pass an appropriate order, in accordance with law.

The petition is disposed of.

(HARNARESH SINGH GILL)
JUDGE

June 17, 2019
Gurpreet

Whether speaking/reasoned : No
Whether reportable : No