

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-908-2021

Date of decision: - 31.08.2021

Sunita

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Dinesh Saini, Advocate,
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.
(keeping in view of the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present revision petition has been filed against the order dated 13.07.2021, passed by the learned Additional Sessions Judge, Charkhi Dadri, whereby an application filed by the petitioner under Section 319 for summoning Smt. Nirmala wife of Suraj Bhan has been rejected.

Learned counsel for the petitioner argues that Smt. Nirmala was named in the FIR to have caused injuries and therefore, keeping in view the evidence on record, she was liable to be summoned under Section 319 Cr.P.C.

The said prayer of the petitioner has been rejected by the learned Additional Sessions Judge, Charkhi Dadri on the ground that no material evidence has come on record so far to show that Smt. Nirmala had played any role in the commission of offence and rejected the prayer of the petitioner.

Learned counsel for the petitioner argues that in the FIR, there is a clear allegation against Smt. Nirmala that she had pulled up the hair of the complainant and had slapped and given fist blows and had caused injuries to the complainant, which fact has not been taken into consideration by the Courts below while dismissing the application filed by the petitioner under Section 319 Cr.P.C.

The Court below has taken into consideration the said allegation and has returned the finding that in the MLR, the injuries being attributed to Smt. Nirmala by the complainant were regarding pain and there was no actual injury suffered by the complainant, hence, keeping in view the MLR and also the fact that no independent material evidence was placed on record to support the said stand of the prosecution that Smt. Nirmala played a role in the commission of offence, which needed the Court to summon her under Section 319 Cr.P.C., no interference is called by the Court. Moreover, learned counsel for the petitioner has not been able to controvert the finding recorded in the impugned order in any manner by showing this Court that any cogent evidence has come on record regarding any role being played by Smt. Nirmala in the commission of offence relating to the present FIR.

Keeping in view the above, no interference is called for in

the impugned order dated 10.05.2021 (P-2) passed by the learned
Additional Sessions Judge, Charkhi Dadri.

Dismissed.

August 31, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No