

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-792-2022 (O&M)
Date of Decision:- 01.8.2022

Palwinder Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harchand Singh Batth, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 17.3.2022 passed by learned Sessions Judge, Tarn Taran, vide which an application filed by the complainant seeking summoning of respondents No.2 to 4 namely Kashmir Singh, Hoshiar Singh and Kuldeep Singh with the aid of Section 319 Cr.P.C. has been declined.
2. In the present case the FIR was lodged by Palwinder Kaur wherein it is alleged that on 24.2.2020 at about 3.15 pm, when her husband had gone to the fields, then Sukhdev Singh armed with gun, Manjinder Singh and Amanat Singh both armed with pistol, Ranjit Kaur armed

with baseball bat, Kuldeep Singh, Kashmir Singh and Hoshiar Singh all armed with guns, surrounded him and attacked him and fired at him on account of which he lost his life.

3. The matter was investigated by the police and later by a Special Investigating Team (SIT) and Kashmir Singh, Hoshiar Singh and Kuldeep Singh were found innocent. After presentation of challan against three of the remaining accused, charges were framed and thereafter statement of complainant (PW-1) Palwinder Kaur was recorded wherein she reiterated the version as recorded in the FIR. Subsequently, an application under Section 319 Cr.P.C. was moved seeking summoning of the aforesaid Kashmir Singh, Hoshiar Singh and Kuldeep Singh, has been declined by the trial Court and which has been assailed before this Court.
4. Learned counsel for the petitioner has submitted that since the private respondents No.2 to 4 are specifically named in the FIR and are stated to be armed with guns and alleged to have fired at the deceased and the said version has also been reiterated before the trial Court and in fact even the medical evidence shows that the deceased had died on account of having sustained gun shot injuries, the complicity of the private respondent is clearly evident.
5. Learned counsel has further submitted that even as per the investigation conducted by SIT, Kashmir Singh was about 15 kms away, Kuldeep Singh was 2 kms away and Hoshiar Singh was about 50 kms away and that in these circumstances the presence of the said persons cannot be absolutely ruled out.

6. I have considered rival submissions addressed before this Court.
7. The SIT apart from recording oral statements of the witnesses has also conducted scientific investigation inasmuch as it has collected CCTV footage in respect of Kuldeep Singh and also the telephone call detail records/tower location record which rule out the presence of the aforesaid persons at the spot. The fire-arm injuries found on person of deceased could have been inflicted by co-accused who too were armed with pistols and gun. The trial Court has discussed the report of SIT in detail as well as the evidence collected by SIT. This Court does not found any ground to differ with the findings as recorded by the trial Court regarding the private respondents being not there at the spot. Consequently, there is no infirmity in the impugned order and the same is hereby upheld.
8. Revision petition being sans merit is dismissed.

01.8.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No