

(2008) 01 P&H CK 0253

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Revision No. 282 of 2007

Balbir Kaur		APPELLANT
	Vs	
State of Haryana and others		RESPONDENT

Date of Decision: Jan. 29, 2008

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 161, 173

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Advocate: Jasdeep Singh Gill, for the Appellant; A.S. Sullar, for the Respondent

Final Decision: Dismissed

Judgement

Kanwaljit Singh Ahluwalia, J.

None had appeared. This matter was reserved on 22nd January, 2008. Today, learned counsel for both the sides have appeared and said that before the judgment is pronounced, hearing may be granted to them. Their request is accepted. Sh.Gill and Sh.Sullar have been heard.

2. Sh.Gill has taken me through the statement of Hardayal Singh u/s 161 Cr.P.C. (Annexure P-1), statement of Smt.Balbir Kaur, PW-1 in the court (Annexure P-2) and the impugned order (Annexure P-3) and also through the statement of Hardayal Singh, PW-2 (Annexure P-5).

3. Learned Trial Court, while deciding not to summon the Respondents, has taken into consideration three following facts:

(1) In the statement of Hardayal Singh (Annexure P-1), the present petitioners were not named.

(2) Complainant, Smt. Balbir Kaur had sworn affidavit absolving them and in the court of Additional Sessions Judge has owned the affidavit.

(3) Learned Additional Sessions Judge held that the version projected by the complainant is the cross-version, whereas FIR was lodged at the instance of Sukhbaj Singh, belonging to the respondent party.

4. I have heard Sh.Gill at length. In the entire occurrence, Smt.Balbir Kaur has suffered two simple injuries. One is brick blow on the back and second a pellet injury on the sole of foot. In this case, seven persons are sought to be implicated, whereas after investigation, while submitting report u/s 173 Cr.P.C., the prosecuting agency has found only two persons guilty. It is not disputed that the trial in both the cases, i.e., FIR case and in the cross version, is at the fag end and is fixed for arguments. Findings of the trial Court in not summoning the Respondents are plausible. In the peculiar facts that the trial is at the fag end, it will not be just to set everything at naught and commence trial of both cases de-novo. No merit. Dismissed.