

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

CRR No. 1801 of 2015

Date of decision : 08.09.2015

Rajesh

....Petitioner

V/s

Vidya Rana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Surinder Gandhi, Advocate for the petitioner.

Mr. Rajbir Sehrawat, Advocate for respondent no. 1.

Mr. Ramesh Hooda, Advocate for respondents no. 2 to 4.

Mr Gaurav Dhir, DAG Haryana
for respondent no. 5-State.

RAJAN GUPTA J.

Challenge in the present revision petition is to order dated 10.04.2015 passed by Additional Sessions Judge, Rohtak whereby application moved by State for summoning additional accused under section 319 Cr.P.C. has been rejected.

Learned counsel for the petitioner has assailed the order. According to him, same is unsustainable. He submits that direct role is attributed to respondents no. 2 to 4. Presence of respondents no. 2 to 4 on the scene of occurrence is reflected in the cross-case registered by respondent no. 1. Trial court has failed to consider all the pleas raised before it. Even the investigating agency did not conduct thorough probe into the role of respondents no. 2 to 4. Thus, impugned order deserves to be set-aside.

Plea has been opposed by learned counsel representing private respondents.

I have heard learned counsel for the parties.

FIR was lodged by petitioner, who is a student of BSC Nursing IIIrd year in PGIMS Rohtak. He alleged that he was involved in unfair means cases when he was in BSc IInd year. On 22.09.2011, he had gone to his college to inquire about the fate of UMC case against him. When he went to the office of Principal, she used offensive language and beat him up. Other lady teachers also humiliated and assaulted him. Pursuant to FIR, investigation ensued. Investigating agency found respondent no. 1 Vidya Rana guilty. However, rest of the accused were exonerated. Petitioner deposed before the court. On the basis of same, an application was moved under section 319 Cr.P.C. for summoning additional accused. Said application was dismissed by the court below on the ground that there was no incriminating material to summon them. I find no infirmity with the order. Same is in consonance with the principles laid down by Apex court in *Hardeep Singh vs. State of Punjab & ors.* 2014(1) RCR (Crl.) 623(SC). It is evident that a thorough probe was conducted in the matter. Investigating agency found that case was made out only against Principal of the College namely Vidya Rana and, thus, presented challan against her. No proof of involvement of other persons namely Sushila, Shashi and Sunita was found in the case. Additional accused cannot be summoned merely on the ground that petitioner has reiterated his version. I, thus, find no ground to interfere. Dismissed.

September 08, 2015

(RAJAN GUPTA)
JUDGE

Ajay

