

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

CRR No.245 of 2014

Date of Decision 29.01.2015

Narveer @ Narvir and others

..Petitioners

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR.JUSTICE M.M.S BEDI

Present: Mr. Ashwani Bhardwaj, Advocate,
for the petitioners.

Mr. M.S. Sidhu, Addl. A.G., Haryana.

Mr. Sanjiv Kumar Panwar, Advocate,
for the complainant.

M.M.S BEDI, J.(ORAL)

In the present case the petitioners have been summoned as additional accused after framing of the charges. In Criminal Revision No.2780 of 2014, it has been held that the power vested in Sessions Court to summon additional accused after commitment can be exercised prior to framing of charges and recording of evidence.

In the present case the trial Court could have exercised the power under Section 193 Cr.P.C prior to the framing of charges or could have exercised powers under Section 319 Cr.P.C on the basis of evidence produced following the parameters laid down by the Apex Court on different occasions. The matter is covered by judgment in Criminal Revision No.2780 of 2014, decided today.

Petition is allowed. Summoning order dated 08.01.2014 Annexure P-1 allowing application 193 Cr.P.C dated 11.12.2013 is hereby set aside without prejudice to the rights of the complainant and the State to seek summoning of additional accused by moving an application under Section 319 Cr.P.C. if so advised, expecting that any such application if filed would be considered fairly on the basis of the parameters laid down in judgments rendered by the Supreme Court in the cases from ***Kishun Singh and others Vs. State of Bihar 1993 Criminal Law Journal 1700*** to ***Hardeep Singh Vs. State of Punjab 2014 (1) Apex Court Judgments 384.***

January 29, 2015
harsha

(M.M.S.BEDI)
JUDGE