

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision:17.11.2015

(i) CRR-2455-2014 (O & M)

Vikas ...Petitioner(s)

Versus

State of Haryana and another ...Respondents

(ii) CRR-2901-2014 (O & M)

Rameshwar ...Petitioner(s)

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jasbir Mor, Advocate, (in CRR-2455-2014),
Mr. Sumit Sangwan, Advocate, (in CRR-2901-2014),
for the petitioner(s).

Dr. Sushil Gautam, DAG, Haryana.

Mr. Sumit Sangwan, Advocate,
for respondent No.2 (in CRR-2455-2014)

Rajan Gupta, J. (oral)

This order will dispose of two revision petitions preferred against the order passed by Additional Sessions Judge, Jind summoning Vikas as additional accused in exercise of powers under Section 319 Cr.P.C. and rejecting the prayer for summoning other accused namely Ajmer and Ram Diya. CRR-2455-2014 has been filed by Vikas challenging the order summoning him as additional accused while other CRR-2901-2014 has been filed by the complainant Rameshwar praying that Ajmer and Ram Diya be

summoned as additional accused.

An incident took place on July 20, 2013. Complainant alleged that the accused came to his field and started causing injuries. Vikas and Mahabir were armed with sticks (lathis) and inflicted blows on the head of Rohtash. Thereafter, other accused including Ram Diya and Ajmer also reached at the spot and gave slaps and fists blows. Thereafter, FIR was lodged, investigation ensued. Investigating agency filed challan against Mahabir, Ramesh Chander and Pawan for offences under Sections 307/323/506 IPC. It, however, exonerated Vikas, Ajmer and Ram Diya. During pendency of trial, an application was moved under Section 319 Cr.P.C. seeking to summon aforesaid accused as additional accused. On examination of statement of the complainant-Rameshwar, trial court came to the conclusion that clear-cut role had been attributed to Vikas in the alleged occurrence as he caused injury on the head of injured-Rohtash. It found no ground to summon Ajmer and Ram Diya as allegations against them being general in nature.

I find no infirmity with the order. Merely, on the statement of the complainant, additional accused cannot be summoned unless there is possibility of conviction of such accused on the basis of evidence. There is nothing on record to support this contention of the complainant that Ajmer and Ram Diya caused injuries to the complainant side. However, according to medical evidence, Rohtash did suffer a head injury, which is attributed to Mahabir. Vikas is stated to have reached the place of occurrence alongwith Mahabir and

allegedly caused injuries to the injured-Rohtash. He, thus, rightly been summoned to face trial.

In view of above, both the revision petitions are hereby dismissed.

17.11.2015
sukhpreet

(RAJAN GUPTA)
JUDGE