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

CRR No.682 of 2015 (O&M)

Date of decision: February 26, 2015

Deepak Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sham Lal Bhalla, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 27.10.2014, whereby application moved by the prosecution for summoning respondents No.5 and 6 to face the trial as additional accused, was dismissed.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Prosecution story in brief is that on 18.07.2013, accused Indra and Parveen Kumari poured kerosene oil on Sonia wife of the petitioner and set her on fire. Petitioner was informed qua the occurrence and injured was brought to the hospital. Prosecution story further was that Indra, Swarna @ Bholi, Parveen Kumari used to ask Sonia that why she brought some persons in her house.

After investigation of the case, challan was presented against Swarna alias Bholi, Parveen Kumari and Indra qua commission of offence punishable under Sections 306/34

Indian Penal Code, 1860. During the pendency of the trial, prosecution moved an application under Section 319 of Code of Criminal Procedure, 1973 seeking summoning of respondents No.5 and 6 to face the trial as additional accused.

Learned trial Court while dismissing the application seeking summoning of respondents No.5 and 6, has held that as per the dying declaration of the deceased, she had stated that Indra, Swarna alias Bholi, Parveen Kumar and her husband Kaka used to tell her as to why she was allowing certain persons to enter her house. However, on the alleged day of occurrence, the deceased had not stated qua the presence of respondents No.5 and 6 at the spot. Hence, the trial Court had rightly held that there is no ground to summon respondents No.5 and 6 to face the trial as additional accused. The said respondents were found innocent during investigation.

Hence, no ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

February 26, 2015
m.singh