

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

CRM M-22518 of 2015

Date of decision : 02.03.2016

Rajesh Kumar

....Petitioner

V/s

State of Haryana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ramneek Vasudeva & Mr. T.D. Garg, Advocates for
Mr. Varun Sharma, Advocate for the petitioner.

Mr. Sushil Gautam, DAG Haryana.

Mr. Abhishek Yadav, Advocate
for respondents no. 2 to 4.

RAJAN GUPTA J.

Challenge in this petition is to order passed by trial court whereby application for summoning additional accused has been upheld by the revisional court.

Prayer has been opposed by learned State counsel on the ground that trial is nearing culmination and there is no infirmity with the orders.

I have heard learned counsel for the parties.

FIR was registered on the statement of Rajesh Kumar (petitioner herein). He alleged that on 13.08.2008 at about 7.30 a.m. when he was coming from the fields. As he reached near his motorcycle, he was accosted by respondent no. 3 alongwith other accused. They started beating him with wooden sticks. In the meantime, respondent no. 2 also came there with a stick and started beating him. All the accused inflicted injuries on both the

legs, hands and nose of the petitioner. While leaving the place of occurrence, accused persons also extended threat to the petitioner. Later, he called his son who took him to the hospital. On this statement, instant FIR was registered. During investigation, respondent no. 2 Virender Singh was found innocent by the investigating agency. During trial, instant application was moved under section 319 Cr.P.C. for summoning him as additional accused. Prayer has been declined by both the courts below. Aggrieved, present revision petition has been filed.

I find no infirmity with the order. Admittedly, incident pertains to 13.08.2008. After completion of investigation, final report was submitted on 09.10.2009. Thereafter, charge was framed on 06.05.2009. Instant application was moved on 23.02.2013, after a lapse of 4½ years. Trial is now nearing culmination and statement of the accused under section 313 Cr.P.C. has also been recorded. From the evidence of PW6 Rajesh Kumar, this court cannot come to the conclusion that there is reasonable probability of conviction of respondent no. 2. In view of parameters laid down by apex court in judgment titled as *Hardeep Singh vs. State of Punjab & ors.* 2014(1) RCR (Criminal) 623, no case for summoning additional accused is made out. Petition is without any merit and is hereby dismissed.

March 02, 2016

Ajay

(RAJAN GUPTA)
JUDGE