

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

115

CRM-M-26468-2016 (O&M).
Decided on: October 18, 2016.

Dhoop Singh

.. Petitioner(s)

VERSUS

State of Haryana and another

.. Respondent(s)

* * *

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

* * *

PRESENT Mr.Raman Chawla, Advocate, for the petitioner.

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

Petitioner is aggrieved by the order dated 28.4.2016, passed by the SDJM, Siwani, dismissing the application under Section 319 Cr.P.C., for sumoning Kamal as additional accused as well as order dated 13.6.2016, passed by the Additional Sessions Judge, Bhiwani, upholding the order dated 28.4.2016. Said Kamal was found not present at the spot during the course of investigation, as such, though he is named in the FIR, he was not arrayed as an accused.

Counsel for the petitioner has vehemently contended that the petitioner has been attributed an injury with the handle of an axe on the right eye which is apparent from the MLR Annexure P6.

With the assistance of counsel for the petitioner, I have gone through the documents. The petitioner and the accused are involved in criminal cases filed against each other. The accused who is sought to be summoned has not been attributed any grievous injury. The Courts below have applied judicious mind on the application under Section 319 Cr.P.C., filed by the petitioner. Scope of interference on appreciation of evidence and probability of trial ending in conviction being meagre, no ground is made out to exercise the inherent jurisdiction in the well reasoned orders passed by the Courts below.

The petition is dismissed without prejudice to the right of the petitioner to avail any other legal remedy available in accordance with law.

(M.M.S. BEDI)
JUDGE

October 18, 2016.
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Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No