

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

(118)

CRM-M-37575-2016

Decided on: October 21, 2016.

Bhupinder Singh

.... Petitioner

Versus

State of Haryana and another

..... Respondents

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

Present: Mr. Bhupinder Ghai, Advocate, for the petitioner.

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

The petitioner is a complainant in FIR No.487 dated 22.11.2014, under Sections 323, 452, 307, 34, 506 IPC and Section 25 of the Arms Act registered at Police Station Indri, Karnal on the allegations that in order to settle a civil dispute pending in the Court, a Panchayat was convened on 21.11.2014. The matter was settled but the complainant along with his brother Rupinder Singh had been attacked by Manmohan Singh alias Bablu, Randeep, Vishawjit alias Vishnu, Kuldeep and Baljeet Singh. There are allegations against Manmohan Singh of having fired shot with country made pistol with an intention to kill the father of the complainant. Vishawjit alias Vishnu allegedly grappled with the father of the complainant. Kuldeep and Randeep allegedly inflicted injuries with fist and slaps whereas Baljeet Singh threw bricks.

Baljeet Singh was found innocent whereas Manmohan Singh the main accused evaded appearance as a result of which he was declared proclaimed offender.

An application under Section 319 Cr.P.C filed by the petitioner to summon Baljeet Singh as additional accused, has been dismissed by the trial Court on the ground that no material has been produced to enable the Court to arrive at a conclusion that Baljeet Singh was also involved in the case.

With the assistance of learned counsel for the petitioner, I have gone through the contents of the FIR and the role attributed to Baljeet Singh accused who is sought to be arrayed as accused. Said Baljeet Singh is attributed 'lalkara' is alleged to have thrown bricks injuring none.

The nature of the allegations against said Baljeet Singh appear to be vague and not sufficient enough to array him as additional accused. The said person had been found innocent by the police. The attempt being made by the complainant appear to be a result of the over jealousy of the petitioner to array Baljeet Singh as additional accused.

In view of no specific overt act or injury having been attributed to the petitioner and he having been found innocent during course of trial, he could not have been summoned as an additional accused casually. I do not find any infirmity in the order passed by the Court below.

The petition is dismissed without prejudice to the right of the petitioner to avail any other legal remedy regarding any accused who has not been arrayed.

(M.M.S. BEDI)
JUDGE

October 21, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No