

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-41825 of 2015

Date of decision: January 06, 2016

Parmender

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Manoj Kaushik, Advocate for the petitioner.

Rajan Gupta, J.

Petitioner has assailed order dated 5.8.2015, passed by Addl. Sessions Judge, Narnaul, whereby he has set-aside the order passed by the trial court seeking to summon additional accused to face trial.

FIR was lodged by petitioner Parmender Singh, wherein he named Sujan, brother-in-law of Sujan, Kusum, Ranjit, Daya, Rajbir, Sanjay, Gandhi, Vijay, Naveen, Vikky, Lilu (Baldev), Baldev, Kallu, Parvesh, Parveen and Mintu. It is alleged that all of them armed with deadly weapons came and gave beating to him as well as his wife, but no MLR regarding alleged injury was there. During trial, complainant appeared as PW1 and stated that they were confined in their house on 29.5.2010 and 30.5.2010 and thereafter, when they reported the matter to the police, the police officials avoided conducting their medical examination. He further stated that respondents No.2 to 10 were also present at the spot and they also inflicted injuries to him. On the basis of

same trial court decided to summon them to face trial. However, on a revision petition being filed before the appellate court, the order was upset.

I find no infirmity with the order passed by the revisional court. It cannot be believed that the complainant, who is a court employee, after having received injuries with iron rod and sword, would not get his medical examination conducted. It appears, he has named so many accused persons in order to harass them. Moreover, in the investigation conducted by Dy. Superintendent of Police, Narnaul, respondents No.2 to 10 were found innocent. Merely on the basis of statement of the complainant, additional accused cannot be summoned to face trial. For the purpose of summoning under section 319 Cr.P.C., parameters laid down by the apex court in *Hardeep Singh Vs. State of Punjab, (2014) 3 SCC 92* are required to be followed. Additional accused cannot be summoned merely on the ground that one of the witnesses names them while appearing as a witness. There ought to be some material before the court to show that additional accused were involved in the case and there is possibility of their conviction on basis of such evidence. The revision petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

January 06, 2016
'Rajpal'