

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

CRR-1531-2012

Date of Decision : 16.02.2016

Sushina

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the digest?**

Present : Mr. N.S. Shekhawat, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Addl. Advocate General, Haryana
for respondent No.1-State.

None for respondents No.2 to 3.

FATEH DEEP SINGH, J.

In this criminal revision petition, petitioner-Sushina who happens to be the complainant in case bearing FIR No.107 dated 12.08.2010, under Section 307/34 IPC read with Section 25 of the Arms Act pertaining to Police Station Pillukhera, District Jind, Haryana (Annexure P-2) has sought to set aside and assail an order dated 27th April, 2012 of the Court of learned Additional Sessions Judge, Jind whereby her application under Section 319 Cr.P.C. (Annexure P-1) to summon additional persons as accused stood declined.

Heard Mr. N.S. Shekhawat, Advocate of the petitioner and Mr. Deepak Sabherwal, Addl. Advocate General, Haryana and perused the records of the case.

The contentions of the State Counsel that the trial arising out of this FIR bearing No.36 (sessions case) dated 29th April, 2011 stood disposed off finally by the Court of Smt. Kanchan Mahi, learned Additional Sessions Judge, Jind and through judgment dated 20th May, 2013 has acquitted accused/respondents holding that the prosecution has failed to prove its case against all the accused for the commission of any offence. The same could not be controverted on behalf of the petitioner and Mr. N.S. Shekhawat, Advocate has with all fairness conceded at the Bar this position, so assailed on behalf of the State.

While disposing off the application under Section 319 Cr.P.C. through the impugned order at that very juncture, the learned trial Court was of the opinion that since the persons so sought to be summoned as additional accused, no role is attributed to them neither at the time of the occurrence nor prior or thereafter so that the element of criminal conspiracy could be established. The Court was of the definite opinion that being the complainant and eye-witness, necessarily the victim, has nowhere stated that such persons have aided, abetted the principal-accused-Nahar Singh in any manner for the commission of the offence and thereafter, it was concluded by the Court below that the evidence and allegations were of not such a high degree that it necessitated their summoning under these provisions.

The Hon'ble Apex Court in the case of **“Hardeep Singh Vs. State of Punjab, 2014(1) R.C.R.(Criminal) 623”**, has categorically held that it is on the basis of the evidence before the Court from which the Court can draw reasonable and justifiable conclusion as to the role of such persons who needs to be summoned as additional accused only then such a power can be resorted to which is totally missing in the present set of circumstances. Apparently, there is no illegality in the findings of the Courts below.

The petition is hopelessly without merits and needs to be and is so disposed off as dismissed.

February 16, 2016
Dpr

(FATEH DEEP SINGH)
JUDGE