

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-5458 of 2016(O&M)
Date of Decision: April 06, 2016

Udaivir alias Musia

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kuldeep Sheoran, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of Haryana for setting aside the impugned order dated 06.01.2016 passed by learned JMIC, Hisar and order dated 30.01.2016 passed by learned Addl. Sessions Judge, Hisar, vide which the petitioner has been summoned as additional accused to face trial.

From the record, I find that an application under Section 319 Cr.P.C. was moved by complainant through learned APP for State for summoning Udaivir @ Musia as additional accused in case FIR No.832 dated 09.09.2014 under Sections 323, 325, 341 and 506 read with Section 34 IPC.

At the time of arguments before learned lower Court, Asstt.

Public Prosecutor argued that PW-1 complainant has specifically deposed that Udaivir @ Musia gave blow on his right wrist with iron rod and as such, specific role has been attributed to Udaivir @ Musia. The application was contested by the accused already facing the trial. Learned Magistrate vide order dated 06.01.2016 summoned Udaivir @ Musia under Section 319 Cr.P.C. Aggrieved from the above-said order, a revision petition was filed and learned Addl. Sessions Judge, Hisar dismissed the revision vide judgment dated 30.01.2016.

After hearing learned counsel for the petitioner as well as learned State counsel and after going through the record, I find that the order and judgment passed by the Courts below are correct and as per law. In no way, the order and judgment can be held as illegal or against the evidence on record. In no way, the order and judgment can be held as amounting to miscarriage of justice. The perusal of the record, especially the FIR and the impugned order shows that present petitioner has been named in the FIR and he was stated to be armed with iron rod and specific injury has been attributed to him that he gave iron rod blow on the right wrist of the complainant.

At the stage of summoning a person as additional accused under Section 319 Cr.P.C., the Court is only to see as to whether from the evidence on record, it appears to the Court that the person sought to be summoned as additional accused is involved in the commission of the offence. From the record, I find that it appears to the Court that present petitioner is involved in the commission of offence and he should face trial along with the accused already facing the trial. In the

revision petition, learned Addl. Sessions Judge, Hisar has discussed the injuries as given in the MLR that there is lacerated wound reported on the right arm with swelling having fresh bleeding, two small lacerated wounds have also been reported on right forearm with swelling and fresh bleeding.

Keeping in view the above facts, I find that the impugned order and judgment passed by the Courts below are correct, as per law and do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

April 06, 2016
Vgulati

(INDERJIT SINGH)
JUDGE