

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

**CRR No.1009 of 2015(O&M)
Date of Decision: August 29, 2016**

Satinder Singh

...Petitioner

VERSUS

Harbans Lal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ramesh Chand Sharma, Advocate
for the petitioner.

Mr.Bikramjit Arora, Advocate
for respondents No.1 and 2.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Satinder Singh against respondents Harbans Lal, Kajal and State of Punjab, challenging the impugned judgment dated 31.01.2015 passed by learned Sessions Judge, Kapurthala, vide which the revision filed by the respondents No.1 and 2 against the order dated 21.11.2014 passed by learned Judicial Magistrate Ist Class, Kapurthala, was allowed.

Notice of motion was issued and learned counsel for respondents No.1 and 2 as well as learned State counsel appeared and contested the petition.

I have learned counsel for the parties as well as learned State

counsel and have gone through the record.

From the record, I find that an application was filed by the prosecution under Section 319 Cr.P.C. for summoning Harbans Lal and Kajal as additional accused in the case. It is stated in the application that a case was registered on the statement of the complainant where he has stated that Harbans Lal, father of accused and Kajal wife of accused Kamal Kishore had accompanied the main accused at the time of taking money from the complainant for sending the son of the complainant abroad and are equally responsible for the said offence. While deposing as PW-1, the complainant has reasserted his version.

Learned JMIC, Kapurthala, vide order dated 21.11.2014, accepted the application and Harbans Lal and Kajal were summoned as additional accused to face trial under Section 319 Cr.P.C. A revision was filed by Harbans Lal and Kajal and learned Sessions Judge, Kapurthala, vide judgment dated 31.01.2015, accepted the revision and dismissed the application under Section 319 Cr.P.C.

Aggrieved from the judgment dated 31.01.2015 passed by learned Sessions Judge, Kapurthala, present revision petition has been filed by the complainant-petitioner.

From the perusal of the record, especially the FIR, I find that the FIR was registered on the written statement against accused Kamal Kishore. The perusal of the FIR itself shows that as per the complaint, Kamal Kishore was only shown as accused. All the allegations regarding inducement or paying of money etc. are only against Kamal, who has been challaned by the police. The only role attributed to Kajal wife and Harbans

they were also in the car along with one other relative. The mere fact that they came in the car along with main accused Kamal Kishore, itself does not form any offence against them. There is no averment in the FIR that they have connived with each other. There is also nothing that they entered into conspiracy or they played any role in the cheating.

Learned Addl. Sessions Judge, has discussed all these facts as well as statement of PW-1, while accepting the revision petition and has rightly dismissed the application under Section 319 Cr.P.C. To summon a person as additional accused under Section 319 Cr.P.C., it should appear to the Court that the person which the prosecution wants to summon as additional accused, is involved in the commission of the offence and should be tried along with the accused already facing the trial.

From the perusal of the record, I find that it does not appear to the Court that Kajal and Harbans Lal are involved in the commission of the offence. Rather, in the FIR, the complainant himself is not saying so regarding their role, connivance or conspiracy.

In view of the above discussion, I find that impugned judgment dated 31.01.2015 passed by learned Sessions Judge, Kapurthala, is correct, as per law and does not require any interference from this Court.

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

August 29, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No