

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

CRR No. 1155 of 2015

Date of decision : 21.01.2016

Sher Singh

....Petitioner

V/s

State of Haryana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. P.R. Yadav, Advocate for the petitioner.

Mr. Arun Luthra, AAG Haryana.

Mr. Subhash Godara, Advocate
for respondents no. 2 to 8.

RAJAN GUPTA J.

Petitioner has assailed the order passed by trial court whereby his application for summoning additional accused under section 319 Cr.P.C. has been rejected.

FIR was registered on the statement of Krishan. He stated that on 27.04.2013, he was sitting under the tree in his land alongwith his brother Sher Singh (petitioner herein) and nephew Subhash. At that time 5/6 vehicles came there. Persons sitting in the vehicle were carrying guns. They shot at Subhash who was on a tractor. When Sher Singh tried to rescue, he was also fired at. Both received gun shot injuries. Complainant side also gave certain injuries to the assailants. They fled from the scene leaving behind two vehicles. Accused Manoj and Anil were identified by the complainant. It was stated in the FIR that other accused could be identified, if produced before him. Pursuant to FIR, investigation ensued. Fourteen persons were arrayed as accused. Out of them,

twelve were found guilty and challan was presented against them. During pendency of trial, Sher Singh deposed as PW-2. He named nine other persons. On the basis of his statement, application was moved by the prosecution for summoning additional accused in view of provisions of section 319 Cr.P.C. Plea has been rejected by the court below observing that for summoning additional accused there ought to have some substantial evidence. Mere statement of a witness is not enough. I find no infirmity with the order. It is evident that in the first version given in FIR, complainant merely stated that he could recognize other accused, if produced before him. On stepping into the witness box, he named number of other persons without assigning any specific role to them. It is inexplicable how petitioner Sher Singh came to know that additional accused were present in the vehicles which came on the spot. At the time of occurrence, neither complainant nor injured witness were able to identify all the assailants. Learned counsel for the petitioner has placed reliance on judgment titled as *Hardeep Singh vs. State of Punjab & ors.* 2014(1) RCR (Criminal) 623. In my considered view, order passed by trial court is within the parameters laid-down by the said judgment. Revision petition is, thus, without any merit and is hereby dismissed.

January 21, 2016

Ajay

(RAJAN GUPTA)
JUDGE