

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

CRR-2297-2014 (O&M)

Date of Decision: FEBRUARY 18, 2016

NIRMLA

..PETITIONER

VERSUS

STATE OF HARYANA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

Mr. A.S.Cheema, Advocate
for respondent Nos.4 & 5.

NARESH KUMAR SANGHI, J.

Learned counsel for the petitioner very fairly concedes that at the time when the application under Section 319 Cr.P.C. was presented before learned Court below, no *prima facie* case was available to summon the additional accused. He further submits that the said application was pre-mature one and as such, learned trial Court had dismissed the application. He submits that he may be permitted to withdraw the present petition to enable the petitioner to take recourse before learned trial Court by filing a fresh petition in accordance with law, if the evidence to connect the private respondents as additional accused emerges on record.

Learned counsel for the respondents have no objection to the above prayer.

After hearing learned counsel for the parties, the present petition is disposed of with a direction that if at subsequent stage of the trial, the petitioner/prosecution moves an application for summoning of the additional accused, the same shall be decided strictly in accordance with law.

(NARESH KUMAR SANGHI)
JUDGE

February 18, 2016

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