

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR No.1456 of 2016

Date of Decision:-21.04.2016

Deepak & Anr.

.....Petitioners.

Versus

State of Haryana & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Naresh Kumar, Advocate for the Petitioners.

JASWANT SINGH, J (ORAL)

Petitioners, namely, Deepak and Bhura have filed the present revision petition directed against the order dated 22.03.2016 (P-1) passed by the learned Sessions Judge, Palwal whereby they have been summoned as additional accused under Section 319 Cr.PC to face trial in case FIR No.260 dated 11.08.2015 for offences punishable under Sections 148, 149, 323, 452, 506 and 302 of Indian Penal Code registered with Police Station Chandhat, District Palwal.

Learned Counsel for the petitioners contend that for the occurrence on 09.08.2015 at 8.30 am the complainant Mohan, who is the son of Udal Singh (since deceased), 12 persons were named including both the petitioners. On thorough investigation six persons including both the petitioners were found innocent. Even in the application under Section 319

Cr.PC aforesaid six accused were sought to be summoned. However, the prayer quia the remaining four accused has been declined.

It is further contended that the FIR was lodged after a considerable delay and in the investigations petitioners were found to be not present at the spot.

After hearing learned Counsel for the petitioners, no case for interference by this Court is made out. Whether the petitioners were there at the spot or not is a matter of trial. Learned trial Court has proceeded to summon both the present accused persons on the basis of testimony of the complainant Mohan Singh fully corroborated by his original version in the FIR as also the MLRs of the injured Smt. Ganta and Bhagat Singh. The petitioner Deepak is alleged to have inflicted a fist blow on the mouth of aunt Smt. Ganta whereas accused Deepak struck Iron rod blow on the head of injured Bhagat Singh. The attributed injuries are noticed in the MLRs of the two injured persons, therefore, the parameters of summoning as additional accused under Section 319 Cr.PC are fully met.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

April 21, 2016
Vinay