

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

**Criminal Revision No. 2698 of 2014
DATE OF DECISION :- August 02, 2016**

Hardwari Lal

...Petitioner

Versus

U.T. Chandigarh and others

...Respondent

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MRS. JUSTICE SNEH PRASHAR

Present:- Mr. Shrey Goel, Advocate for the petitioner.

Mr. J.S. Toor, APP, U.T. Chandigarh for respondent no.1.

Mr. Subhpreet Kaur, Advocate for respondent no. 4.

Mr. P.S. Bhangu, Advocate for respondent no.5.

M.JEYAPPAUL, J.

1. The criminal revision is preferred as against dismissal of the petition filed by the complainant Hardwari Lal under Section 319 of the Code of Criminal Procedure praying for summoning respondent no. 5 Karam Singh and respondent no. 4 Balbir Singh.

2. Learned counsel appearing for the revision petitioner submits that Balbir Singh was present very much at the hospital where the deceased was brought to the hospital. Further, there is a reference by the co-accused Darshan Singh about the presence of Karam Singh at the scene of crime. It

is his further submission that the tower location would indicate that Karam Singh and Balbir Singh were present at the scene of crime. Therefore, it is his submission that the trial Court has erred in dismissing the petition filed by the complainant under Section 319 Cr.P.C. praying for summoning those two persons.

3. We also heard the submissions made by the learned counsel appearing for Karam Singh, Balbir Singh and learned State counsel.

4. Complainant Hardwari Lal never whispered anything about the role of either Karam Singh or Balbir Singh in the First Information Report he lodged before the police. Had Karam Singh and Balbir Singh accompanied his son, he would not have failed to refer their participation in the First Information Report. As against Balbir Singh, the complainant, who was examined as PW5 has simply stated that he was present at the hospital where his son Ashok was brought. There is no other implication against Balbir Singh. Complainant never spoke about his role in his evidence. For the first time before this Court, call details are sought to be produced to demonstrate the tower location. The revision petitioner had not chosen to place on record the call details before the trial Court during the course of trial to enable the trial Court to take a decision under Section 319 Cr.P.C.

5. In our considered view, with the above rickety materials, a person cannot be summoned under Section 319 Cr.P.C. which is very sparingly used by the trial Court only on satisfaction that it appears that such a person has in fact committed the offence.

6. The trial Court has rightly dismissed the petition filed under Section 319 Cr.P.C. with a prayer to summon Karam Singh and Balbir

Singh. We find that there is no merit in the Revision.

7. Therefore, the Criminal Revision petition stands dismissed.

(M. JEYAPPAUL)
JUDGE

(SNEH PRASHAR)
JUDGE

August 02, 2016
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No