

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

**(117)**

**CRR-1641-2016 (O&M)  
Decided on: May 12, 2016.**

**Ved Parkash**

**.... Petitioner**

**Versus**

**State of Haryana and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. R.N. Lohan, Advocate, for the petitioner.

**M.M.S. BEDI, J (ORAL)**

The petitioner is aggrieved by the order dated 25.03.2016, dismissing application under Section 319 Cr.P.C for summoning additional accused namely Dalbir son of Chatter Singh, Birmati wife of Dalbir and Teju son of Dalbir claiming that PW-1 Raju and PW-3 Ved Parkash petitioner, whose statements have been recorded on oath in the Court, have named said Dalbir, Birmati and Teju having participated along with other accused Bunty, Ram Mehar, Munni and Pooja, in the murder of Rajeev.

With the assistance of learned counsel for the petitioner, I have gone through the statement of Raju and Ved Parkash.

It is pertinent to observe here that the name of Dalbir and others was not even mentioned in column No.2 of the report under Section 173 (2) Cr.P.C prepared on the basis of the investigation.

Learned counsel for the petitioner has vehemently contended that since the dead body was found in the house of Dalbir, an heavy onus lies upon him to establish that he is not guilty of his death. He also refers to the confessional statements alleged to have been made by other co-accused.

With the assistance of learned counsel for the petitioner, I have also gone through the judgments referred by him and I am of the opinion that law has been settled repeatedly for summoning of additional accused on an application under Section 319 Cr.P.C.

In the present case, accused namely Dalbir and others are sought to be implicated only on account of over-jealousness of the petitioner on the basis of weak and inadmissible evidence. Prima facie, the involvement of Dalbir and other persons, named in the application, is not established to enable this Court to arrive at a conclusion that the said accused are likely to be convicted especially when their names have not been included in column No. 2 by the police.

I do not find any infirmity in the order passed by the trial Court in dismissing application under Section 319 Cr.P.C.

The petition is dismissed without prejudice to the other legal right of the petitioner.

**(M.M.S. BEDI)**  
**JUDGE**

**May 12, 2016**  
*harsha*