

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

**CRR No.1799 of 2016 (O&M)
Date of Decision: July 23, 2016**

Pardeep

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Raj Kapoor Malik, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Pardeep under Section 401 Cr.P.C. against respondents State of Haryana and Neeraj, challenging the order dated 18.04.2016 passed by learned Addl. Sessions Judge, Hisar vide which the application under Section 319 Cr.P.C. filed by the complainant-petitioner was dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that FIR has been registered on the statement of Pardeep, who was student of BA Ist year at that time. He stated that on 12.08.2015 at about 7.00 A.M., he, his father Rajbir and uncle Sumit were present in the house. His father went to the gate. In the meantime, his neighbour Jaideep alias Golu attacked on his father with bricks. Then he and his uncle Sumit came out to save his father. In the

meantime, Jaideep along with Sumit, Naveen, Sumer, Nanhi wife of Sumer,

Bala wife of Raghbir and Neeraj wife of Amit came armed with lathi, danda and bat and after conspiring with each other, complainant and his uncle were caught hold by Nanhi, Bala and Neeraj. The other accused gave injuries with dandas etc. The complainant and his uncle also received injuries, whereas father of the complainant died.

Learned Addl. Sessions Judge, Hisar, while dismissing the application under Section 319 Cr.P.C. held that Neeraj was found innocent during investigation. She was not armed with any weapon nor she caused any injuries to the deceased. Learned Court below found that it did not appear that Neeraj was involved in the commission of the offence.

The perusal of the order dated 18.04.2016 passed by learned Addl. Sessions Judge, Hisar shows that no illegality has been committed while dismissing the application under Section 319 Cr.P.C. While summoning the additional accused under Section 319 Cr.P.C., it should appear to the Court that additional accused sought to be summoned has also committed the offence and should be tried along with co-accused already facing the trial.

In view of the above discussion, I find that the order dated 18.04.2016 passed by learned Addl. Sessions Judge, Hisar is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present revision petition, the same is dismissed.

July 23, 2016
Vgulati

(INDERJIT SINGH)
JUDGE