

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

**CRR No.2763 of 2016 (O&M)
Date of Decision: August 08, 2016**

Akshay and another

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Bipan Ghai, Senior Advocate with
Mr.Mandeep Kaushik, Advocate
for the petitioners.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners Akshay and Ajay under Section 401 Cr.P.C. against respondent State of Haryana, challenging the impugned order dated 07.06.2016 passed by learned Addl. Sessions Judge, Rohtak, vide which the application under Section 319 Cr.P.C. filed by the complainant was allowed and the petitioners were summoned as additional accused.

From the record, I find that an application was filed by the complainant for summoning Akshay and Ajay as additional accused in the case and said application was dismissed by learned trial Court vide order dated 17.12.2013. The said order was challenged before this Court and vide order dated 01.12.2015, this Court set aside the order dated 17.12.2013 and the trial Court was directed to dispose of the application in accordance with

the parameters laid down in *Hardeep Singh vs. State of Punjab and others, 2014(3) SCC 92*. Learned Addl. Sessions Judge, Rohtak, vide order dated 07.06.2016, allowed the application under Section 319 Cr.P.C. and Akshay and Ajay were summoned as additional accused.

After hearing learned counsel for the petitioners and after going through the record, I find that present petitioners are named in the FIR. PW-4 Dilbag Singh has been examined in the Court on oath and he has again named both these petitioners. Learned Addl. Sessions Judge, Rohtak, while giving the reasonings also held that names of both these petitioners have been kept in column No.2 in the report under Section 173 Cr.P.C. and no other document is existing on the file to conclude that the said persons were not involved in this case. The Court after discussing the statement of PW-4 Dilbag Singh and his version given to the police through Ex.PA, found that there is evidence against additional accused. Otherwise also, at the stage of summoning additional accused under Section 319 Cr.P.C., it should appear to the Court that the persons sought to be summoned as additional accused are also involved in the commission of offence and they should be tried along with the accused already facing the trial. The mere fact that one injury has been suffered, is no ground to show that petitioners are not involved in the commission of offence. Similarly, it is not necessary that all the witnesses must be examined before summoning additional accused.

The perusal of the record shows that no illegality has been committed by the Court below while summoning the petitioners as additional accused under Section 319 Cr.P.C.

In view of the above discussion, I find that the order dated

07.06.2016 passed by learned Addl. Sessions Judge, Rohtak, 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.

August 08, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No