

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 106

Criminal Revision No.3015 of 2016 (O & M)

Date of Decision: December 01, 2016

Naresh

..... PETITIONER

VERSUS

State of Haryana & another

..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL Singh

. . .

PRESENT: - Mr. Parmod Parmar, Advocate, for the petitioner.

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Jaspal Singh, J (Oral)

1. Challenge in this revision petition is to order dated May 20, 2016 passed by the Sessions Judge, Jhajjar whereby an application moved by the petitioner under Section 319 Cr.P.C. for summoning Rakesh @ Bittu son of Ram Mehar, resident of village Bhaloth, Tehsil Buana, District Jhunjhunu (Rajasthan) as additional accused, has been dismissed.

2. The only contention of learned counsel for the petitioner is that despite the fact that there was specific attribution to respondent No.2 and his role also figured in the statement got recorded by petitioner under Section 161 Cr.P.C., an application moved under Section 319 Cr.P.C. has been dismissed by ignoring the aforesaid evidence/ aspect. But, this Court does not find any merit in the aforesaid submission of learned counsel in view of the fact that during the course of investigation, respondent No.2 was

found innocent and at the time of presentation of report under Section 173 Cr.P.C., his name was mentioned in column No.2. Subsequent thereto, feeling dis-satisfied from the investigation, a regular complaint was filed in respect of same occurrence and even in that complaint, no role figures as regards Rakesh @ Bittu. This aspect is suggestive of the fact that an application under Section 319 Cr.P.C. has been moved intentionally to drag him. Moreover, the impugned order passed by the learned Sessions Judge is elaborative one and touches all the factual as well as legal aspects.

In the light of above discussion, this court does not find any merit in the instant petition and same is accordingly dismissed.

December 01, 2016

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**(Jaspal Singh)
Judge**

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No