

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.4722 of 2015 (O&M)****Date of Decision: January 28, 2016**

Lakhbir Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Ashok Giri, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Lakhbir Singh against State of Punjab and other respondents, challenging the impugned order dated 26.10.2015 passed by learned Addl. Sessions Judge, Rupnagar, vide which the application under Section 319 Cr.P.C. filed by complainant-petitioner to summon Vivek Sood @ Bawa, Surinder Singh @ Billa and Nischal Jain, as additional accused was dismissed.

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

From the record, I find that the application under Section 319 Cr.P.C. was moved by the complainant on 19.11.2013 for summoning Vivek Sood @ Bawa, Surinder Singh @ Billa and Nischal Jain as additional accused in the present case. It is stated in the

application that Vishal Sood is already declared Proclaimed Offender and only accused Amarjit Singh has appeared in the trial. The statements of witnesses namely Lakhbir Singh and Parminder Singh are already recorded and sufficient evidence has come on the record that the accused sought to be summoned in the application, are also involved in the crime at the time of occurrence as they had inflicted injuries on the complainant and his nephew.

Earlier vide order dated 18.01.2014, application under Section 319 Cr.P.C. was allowed. Vide order dated 26.11.2014 passed by this Court in CRR Nos.1273, 1279 and 1338 of 2014, the matter was remanded back to the trial Court with the direction to pass a fresh order in accordance with law as the order dated 16.11.2012 was not brought to the notice of the trial Court. Learned Addl. Sessions Judge, Rupnagar, after re-considering the matter, dismissed the application under Section 319 Cr.P.C..

In the FIR, which was registered on the statement of Lakhbir Singh against accused Vishal Sood, Amarjit Singh and 10-12 unknown persons, the above-mentioned persons i.e. Vivek Sood @ Bawa, Surinder Singh @ Billa and Nischal Jain have not been named in the FIR. They are also not named in statement under Section 161 Cr.P.C. They were not investigated during the investigation nor their names were mentioned in column No.2 of the challan. Only during the trial, Lakhbir Singh complainant as PW-1 has stated that Amarjit Singh and Vishal Sood accompanied these accused i.e. Vivek Sood @ Bawa, Surinder Singh @ Billa and Nischal Jain and these accused

were amongst 10-12 persons, who also inflicted injuries. The Court below specifically held that during investigation, complainant Lakbir Singh or eye witness Parminder Singh did not get recorded any supplementary statement with the police. If these persons would have been known to the complainant or eye witness, then they might have named them in the FIR or during the investigation. The Court also held that complainant never requested to hold test identification parade of these persons during investigation. In these circumstances, the Court below held that no ground is made out to proceed against other accused.

In view of the above, I find that learned Addl. Sessions Judge, Rupnagar, has passed the order as per law. No illegality has been committed. From the evidence on record, it does not appear to the Court that these persons, who are sought to be summoned as additional accused, are involved in the commission of the offence and hence, they should not be tried along with accused already facing the trial.

In view of the above discussion, I find that the impugned order dated 26.10.2015 passed by learned Addl. Sessions Judge, Rupnagar, 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.

January 28, 2016
Vgulati

(INDERJIT SINGH)
JUDGE