

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

(110)

CRR-4673-2016 (O&M)

Decided on: December 15, 2016.

Manish Verma

.... Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Mr. Rakesh Dhiman, Advocate, for the petitioner.

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

The petitioner is aggrieved by order dated 09.05.2016 dismissing the application filed by the petitioner under Section 319 Cr.P.C for summoning the additional accused who have been impleaded as respondents No.2 to 7 in the present petition. The aforesaid six persons have been sought to be arrayed as additional accused were allegedly the members of raiding team including police officials and officials of Vigilance Department of Electricity Department.

The petitioner claims that the proposed additional accused were members of the raiding party on 05.02.2014 who had raised demand of Rs.10 lacs failing which the petitioner-complainant was threatened to be involved in theft case of electricity.

Learned counsel for the petitioner claims that in his statement made originally to the Vigilance Department and in his statement under Section 164 Cr.P.C made on 21.04.2014, the names of the persons sought to be added as additional accused stand mentioned.

It is pertinent to observe here that statement under Section 164 Cr.P.C was recorded more than two and half months after the offence of demand and acceptance having been allegedly committed by the members

of the raiding party.

On asking of the Court, it has been informed by learned counsel for the petitioner that for liability of above Rs.65 lacs the complainant and his family members are being proceeded against under the Electricity Act.

After hearing learned counsel for the petitioner and going through the documents placed on record, I am of the considered opinion that the objective of Section 319 Cr.P.C is to ensure that any person who is involved in the crime should not escape but at the same time the basic principle of criminal jurisprudence is that a person who is zealous for extraneous consideration to involve the persons as accused by roping with oblique motive should also not be permitted to abuse the process of law.

Striking a balance between the right of the complainant and constitutional rights of individual citizens of life and liberty, I do not find sufficient ground to set aside the order and to order summoning of additional accused who were allegedly members of the raiding party to determine the theft of electricity by the petitioner.

The petition is dismissed.

The miscellaneous application for condonation of delay in filing the revision petition also stands dismissed.

Nothing said in this order will affect any other proceedings.

(M.M.S. BEDI)
JUDGE

December 15, 2016
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No