

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Crl. Revision No.727 of 2016
Date of decision: February 23, 2016

Bijender

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Dhull, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition emanates from an order dated 22.09.2015, passed by Additional Sessions Judge, Jind, whereby order passed by Judicial Magistrate 1st Class, Jind has been set-aside and application filed under Section 319 Cr.P.C. for summoning respondents No.2 to 5 as additional accused has been dismissed.

It appears, FIR No.164 dated 16.07.2013 was registered under sections 323, 324, 325 read with section 34 IPC on the statement of Bijender (petitioner herein) against accused Suresh, Baru, Azad, Surender, Vicky, Kavita and Poonam. Accused Suresh, Baru and Azad are facing trial. However, other persons were found innocent during investigation and they were placed in column No.2. During trial, petitioner appeared as PW-1 and stated that Surender, Vicky, Kavita and Poonam had also actively participated in the commission of alleged offence. Application under section 319 Cr.P.C. was filed. Trial court

vide order dated 06.04.2015 allowed the application and summoned Kavita, Poonam, Vicky and Surender as additional accused. They filed revision, which was allowed by Additional Sessions Judge, Jind vide order dated 22.09.2015, dismissing application under section 319 Cr.P.C.

I find no reason to differ with findings of Additional Sessions Judge. The alleged accused are stated to be merely present at the scene of occurrence. No overt act has been attributed to them. In the absence of their active participation, I am of the considered view that revisional court has rightly dismissed the application under section 319 Cr.P.C. No other evidence except statement of complainant, is available to suggest that any role was played by the persons sought to be summoned as additional accused. Thus, there is no ground to interfere. Revision petition is without any merit.

Dismissed.

CRM-6086-2016:

Since the main revision petition has been dismissed on merits, this application for condonation of delay does not survive and the same is also dismissed.

(RAJAN GUPTA)
JUDGE

February 23, 2016
'Rajpal'