

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

CRR No. 912 of 2016

Date of decision : 04.03.2016

Daljeet Singh

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Piyush Sharma, Advocate for the petitioners.

RAJAN GUPTA J.

Petitioner has challenged the order passed by Additional Sessions Judge, Ferozepur whereby he has declined the prayer for summoning respondents no. 2 to 4 as additional accused under section 319 Cr.P.C.

Learned counsel for the petitioner submits that order passed by trial court is unsustainable. He submits that direct role is attributed to respondents no. 2 to 4 in the commission of the crime. Trial court has failed to consider all the pleas raised before it. Even the investigating agency did not conduct thorough probe into the role of respondents no. 2 to 4. Thus, impugned order deserves to be set-aside.

I have heard learned counsel for the petitioner.

FIR was lodged by Daljeet Singh (petitioner herein) who stated that on the day of occurrence at about 12.00 P.M. he was attacked by the accused persons while going towards his house. In order to save himself, he ran towards his house. At that time accused Amandeep Singh fired a shot from his riffle due to which

complainant fell down. Thereafter, accused Amandeep Singh gave blow with back side of his riffle which hit complainant on the skull. Accused Gurminder Singh also gave two kappa blows on the skull of the complainant while accused Malkiat Singh gave a blow with stick which hit him on his left wrist. At this stage, accused Sukhwant Singh @ Billa came at the scene of occurrence alongwith 2/3 unidentified persons on three wheeler and tried to kidnap the complainant. However, on raising alarm, his neighbor namely Kamaljit Singh reached there to help him. He was also assaulted and given two rod blows on his head by accused Shabeg Singh. Thereafter, villagers gathered there and all the accused ran away from the spot alongwith their respective weapons. Petitioner was shifted to Civil hospital, Ferozepur. On the basis of complaint, FIR in question was lodged. During investigation, accused Amandeep Singh, Gurminder Singh & Malkeet Singh @ Meeta was found innocent by the police. Instant application was moved under section 319 Cr.P.C. for summoning Amandeep Singh, Gurminder Singh & Malkeet Singh @ Meeta as an additional accused. Complainant stepped into the witness box as PW2 and made a statement in terms of complaint made by him. Learned counsel for the petitioner has relied upon the said statement and submits that accused ought to have been summoned to face trial. I am not convinced with the plea. A perusal of the report under section 173 Cr.P.C. shows that an inquiry was conducted by SP(D), Faridkot. Investigating agency found Shabeg Singh and Sukhwant Singh guilty. However, rest of the accused were exonerated. Petitioner deposed before the court. On the basis of same, an application was moved under section 319 Cr.P.C. for summoning additional

accused. Said application was dismissed by the court below on the ground that there was no incriminating material to summon them. I find no infirmity with the order. Same is in consonance with the principles laid down by Apex court in *Hardeep Singh vs. State of Punjab & ors.* 2014(1) RCR (Crl.) 623(SC). It is evident that a thorough probe was conducted in the matter. Additional accused cannot be summoned merely on the ground that petitioner has reiterated his version. I, thus, find no ground to interfere. Dismissed.

March 04, 2016

Ajay

(RAJAN GUPTA)
JUDGE