

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

CRM-M-22775 of 2016.

Decided on:-02.11.2017.

Balbir Pal.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.**

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Present:- Mr. Parminder Singh, Advocate  
for the petitioner.

Mr. Sandeep Vashisht, DAG, Haryana.

Mr. Abhinav Sood, Advocate  
for respondent No.2.

**HARI PAL VERMA, J. (ORAL)**

Prayer in this petition filed under Section 482 Cr.P.C. is to set aside the order dated 27.04.2015 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Karnal, whereby the application filed by the petitioner-complainant under Section 319 Cr.P.C. seeking summoning of respondent No.2 Gorakhpal Rana as an additional accused, was dismissed.

Challenge has also been laid to the order dated 05.04.2016 passed by learned Additional Sessions Judge, Karnal, vide which the revision petition filed by the petitioner-complainant against the aforesaid order dated 27.04.2015 passed by learned Magistrate, was dismissed.

The primary argument, as put forward by learned counsel for the petitioner is that respondent No.2 has extended undue shelter to accused

Manoj Rana and prepared a cancellation report in FIR No.521 dated 06.09.2010 under Sections 323, 325, 452, 504 and 506 read with Section 34 IPC registered at Police Station Sadar Karnal. The said cancellation report was accepted by learned Illaqa Magistrate vide order dated 11.02.2011. However, the said order dated 11.02.2011 was made subject matter of challenge before this Court by way of CRM-M-16382 of 2011 and the order passed by learned Magistrate was set aside by this Court. In this manner, the trial is pending before learned Magistrate.

I have heard learned counsel for the parties.

So far as the application moved by the petitioner seeking summoning of respondent No.2 is concerned, the same has rightly been dealt with by learned Courts below. The petitioner-complainant has failed to adduce any material which may result into summoning of respondent No.2. Even otherwise, there is no allegation against respondent No.2 in the FIR in question. The argument of learned counsel for the petitioner that he has protected accused Manoj Rana and has given undue shelter to the said accused has duly been considered by learned Courts below. Therefore, this Court finds that there is no merit in the present petition as no ground is made out to interfere with the impugned orders passed by the Courts below.

The present petition is, accordingly, dismissed.

**November 02, 2017**

Yag Dutt

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No