

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

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**CRM-M-45684-2017
DATE OF DECISION: 20.12.2017**

BALRAJ

... Petitioner(s)

Versus

HARI KISHAN AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. A.K. Sharma, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has sought setting aside the order dated 11.08.2017 (Annexure P-1), whereby the revision preferred by the private respondents against their summoning has been allowed.

Learned counsel for the petitioner contends that besides the 19 persons, who were challaned by the police, the private respondents, who are 13 in number, were duly named in the FIR as well as in the statement of the petitioner recorded in the Court and therefore, they had been rightly summoned by the trial Court.

Heard.

The FIR had been registered by the petitioner on 30.09.2011 under Sections 147, 149, 323, 342 IPC, Police Station Alewa, wherein it was alleged that the petitioner had been confined by all the accused and he had been beaten up as he was alleged to have married a woman of the same gotra. Both the petitioner and his wife are stated to be handicapped. In the MLR of the petitioner,

05 injuries were found on his person, which were declared to be simple in nature and are stated to be caused by blunt weapon. The police, after investigation, is stated to have filed challan against 19 accused who are facing trial. On the application of the petitioner under Section 319 Cr.P.C., 13 more accused have been summoned to face trial. Although they are named in the FIR and by the petitioner in Court, there appears to be no other evidence which has come forth to indicate the involvement of the 13 respondents.

It is well-settled that the power under Section 319 Cr.P.C. should be used sparingly and only if cogent reasons to do so exist. Summoning a person as accused causes grave prejudice and should not be resorted to except when circumstances for doing so are evident. Reference can be made to the judgment of the Supreme Court in the case of **Brijendra Singh and Others Vs. State of Rajasthan**, reported as **2017 (7) SCC 706**.

Consequently, I do not find any infirmity in the impugned order dated 11.08.2017 (Annexure P-1) setting aside the order summoning the respondents as additional accused.

The present petition stands dismissed.

20.12.2017

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether reportable :	Yes / No