

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.3242 of 2013 (O&M)

.....

Date of decision:12.1.2017

Amit Kumar

...Petitioner

v.

State of Haryana and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: None for the petitioner.

Mr. Parveen Kumar Aggarwal, Deputy Advocate General,
Haryana for the respondent-State.

Mr. R.K. Dhiman, Advocate for respondent No.2.

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Inderjit Singh, J.

Amit Kumar-petitioner has filed this criminal revision petition against State of Haryana and Rakesh Kumar (respondents) under Section 401 Cr.P.C. challenging the impugned order dated 21.10.2013 passed by learned Additional Sessions Judge, Jhajjar, vide which the application under Section 319 Cr.P.C. has been allowed.

The case was adjourned for arguments on the last date of hearing for today. None has appeared on behalf of the learned counsel for the petitioner. Counsel for the private respondent as well as learned State counsel are present.

I have heard learned State counsel and counsel for private

respondent No.2 and have gone through the record myself.

The FIR in the present case had been got registered by complainant-Rakesh Kumar. The challan was presented against Jaideep, Dinesh, Ravi and Sumit in FIR No.205 dated 1.6.2011 for the offences under Sections 148, 149, 323, 325, 307 and 506 IPC at Police Station Sadar Bahadurgarh. During the trial, an application under Section 319 Cr.P.C. was filed for summoning Amit as additional accused. As per the FIR and the impugned order passed by the learned Additional Sessions Judge, Jhajjar, Amit was named in the FIR. He had given a 'Lathi' blow on the left shoulder of the complainant-Rakesh (PW-1) and that PW-1 specifically named Amit in his statement to the Police on the basis of which FIR was lodged.

The learned Additional Sessions Judge, Jhajjar, in the impugned order has found that during the investigation he has been wrongly found innocent by the Police. The Court also held that the name of Amit was there from the very beginning and the investigating agency has not given any satisfactory reason in deleting his name.

At the time of arguments, learned counsel for the complainant also argued that the injury attributed to the present revision petitioner is found on the person of the complainant at the time of medico-legal examination.

Keeping in view the above discussion, I find that no illegality has been committed by the learned Additional Sessions Judge while summoning the present petitioner as an additional accused. It appears to the

Court that the present petitioner is also involved in the commission of the offence and he should be tried along with the main accused already facing trial.

Therefore, from the above, finding no merit in the present criminal revision petition, the same is dismissed.

January 12, 2017.

(Inderjit Singh)
Judge

hsp

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