

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

CRM No.M-6944 of 2017 (O&M)

Date of Decision: March 02, 2017

Ashok Kumar

...Petitioner

VERSUS

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jatinder Pal Singh, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.22 dated 21.01.2009 under Section 306 and 34 IPC registered at Police Station Sadar Abohar, District Ferozepur qua the petitioner, impugned order dated 13.01.2017 vide which application under Section 319 Cr.P.C. was allowed and for quashing the order of framing charge dated 13.02.2017.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that challan had been presented against Sandeep Kumar, Sunil Kumar and Satish Kumar under Sections 306 and 34 IPC. During the trial, an application under Section 319 Cr.P.C. was filed to summon additional accused Ashok Kumar present petitioner. It is argued

by learned Addl. Public Prosecutor before the trial Court that deceased

Lakhan Lal had named accused facing trial along with Ashok Kumar as to their having obtained his signatures on blank papers and it was on account of the said fact that deceased took the extreme step. Learned Addl. Public Prosecutor before trial Court has also argued that involvement of Ashok Kumar find mentioned at the time of recording statement initially and then during the statement of Vinod Kumar. Learned Addl. Sessions Judge, Ferozepur, after discussing the law and in view of the statement of PW Vinod Kumar, summoned the petitioner under Section 319 Cr.P.C. to face trial in this case.

The perusal of the order dated 13.01.2017 shows that it has been passed as per evidence and law. No illegality has been committed by the trial Court while summoning the present petitioner. The present petitioner is named in the FIR. It is stated in the FIR that when Lakhan Lal, father of the complainant consumed some poisonous medicine and he was taken to hospital, then Lakhan Lal told the complainant that Sandeep Kumar, Sunil Kumar, Ashok Kumar and Satish Kumar, property dealers have got some blank papers signed and thumb marked from him under the influence of intoxication and they can misuse the papers in order to grab the land and they can use the same in the shape of evidence and kept on repeating same things to them. Lakhan Lal also stated that he has consumed Celphos and intoxicating tablets due to the above misery. Even this statement of Lakhan Lal, mentioned in the FIR, amounts to oral dying declaration.

At the time of summoning additional accused, it should appear to the Court that person sought to be summoned, is also involved in the commission of the offence and he should be tried along with the accused

already challaned. The standard of proof to summon additional accused is somewhat more than prima facie case. In view of the evidence on record, it appears to the Court that the petitioner is involved in the commission of the offence and he should be tried together with the accused already challaned.

In view of the above discussion, I find that no illegality has been committed by learned Addl. Sessions Judge, Ferozepur, while summoning the petitioner under Section 319 Cr.P.C.

Therefore, finding no merit in the present petition, the same is dismissed.

March 02, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No