

CRM-M-8096-2017

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

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Date of Decision: 09.03.2017

Charan Dass

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Naveen Batra, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner-Charan Dass has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for setting aside the order dated 26.07.2016 (Annexure P-6) passed by learned Sub Divisional Judicial Magistrate, Mukerian whereby application filed by the petitioner under Section 319 Cr.P.C. to summon respondent Nos.2 to 4 as additional accused, was dismissed and the judgment dated 05.11.2016 (Annexure P-7) passed by learned Additional Sessions Judge, Hoshiarpur vide which the revision petition filed by the petitioner against the order dated 26.07.2016 was dismissed.

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

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From the record, I find that challan, in the present case, has been presented against Surinder Kumar, Raj Pal and Billa in FIR No.54 dated 27.04.2013, under Sections 323 and 324 of the Indian Penal Code, registered at Police Station Mukerian. During the trial, an application under Section 319 Cr.P.C. was moved for summoning Jeet Raj, Minakshi and Bansi Lal as additional accused. Learned Magistrate after going through the evidence dismissed the application under Section 319 Cr.P.C., vide impugned order dated 26.07.2016. Aggrieved from this order, the petitioner filed revision which was also dismissed by learned Additional Sessions Judge, Hoshiarpur, vide impugned judgment dated 05.11.2016.

Aggrieved from the above said order and judgment, the present revision petition has been filed.

Perusal of the record shows that the impugned order and judgment passed by the courts below are correct, as per evidence and law. In no way, it can be held that the courts below have committed any illegality while passing the impugned order and judgment, respectively. As per the FIR, oral statement of the complainant Ex.PA, Jit Raj, Minakshi Devi and Bansi Lal were not named. They were not stated to be present at the spot at the time of occurrence nor any injury was attributed to them. As these persons were not named in the first version, neither they were joined in the investigation, nor they were kept in column No.2 and their names were mentioned by the complainant while appearing before the Court. For summoning of additional accused, it

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should appear to the Court that they are also involved in the commission of offence. The standard of proof for summoning under Section 319 Cr.P.C. is somewhat more than *prima facie* case.

From the record, I find that no illegality has been committed by the courts below while dismissing the application under Section 319 Cr.P.C. The order and judgment passed by the courts below dismissing the application under Section 319 Cr.P.C. are correct, as per evidence and law and the same are upheld.

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

However, the observations made herein shall not, in any manner, be construed as an expression of opinion on the merits of the case.

09.03.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No