

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

(i)

CRR No.4376 of 2015 (O&M)

Vikramjit Singh and another

...Petitioners

VERSUS

State of Haryana

...Respondent

(ii)

CRR No.4622 of 2015 (O&M)

Randhir Singh @ Dheera

...Petitioner

VERSUS

State of Haryana

...Respondent

Date of Decision: April 25, 2017

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Bedi, Senior Advocate with
Mr.Sunil Sihag, Advocate
for the petitioners (in CRR No.4376 of 2015).

Mr.H.S.Gill, Senior Advocate with
Mr.Vivek Goel, Advocate
for the petitioner (in CRR No.4622 of 2015).

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

Mr.R.S.Budhwar, Advocate
for the complainant.

INDERJIT SINGH, J.

This order shall dispose of above-mentioned two connected
revisions as both have arisen from same order.

The above-mentioned revision petitions have been filed by
petitioners Vikramjit Singh, Charanjit Singh and Randhir Singh @ Dheera

the impugned order dated 03.08.2015 passed by learned Addl. Sessions Judge, Kurukshetra, vide which the application under Section 319 Cr.P.C. filed by the complainant was accepted and petitioners were summoned to face trial.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that challan in the present case was presented against Harvinder Singh alias Sonu, Balbir Singh alias Mani alias Cheema, Satnam Singh alias Sonu, Lakhbir Singh alias Angrej Singh and Harbhajan Singh alias Bhajan Singh alias Bhajji in case FIR No.85 dated 25.10.2014 under Sections 148, 302, 323, 324 read with Section 149 IPC. During the pendency of the trial, complainant-injured Avtar Singh filed an application under Section 319 Cr.P.C. for summoning Charanjit Singh, Vikramjit Singh and Randhir Singh alias Dheeru as additional accused for facing trial along with accused already facing trial. It is asserted by the complainant-injured that in his deposition as PW1, specific role has been attributed to the above named Charanjit Singh, Vikramjit Singh and Randhir Singh alias Dheeru, who alongwith other co-accused persons, who are already facing trial, have also caused injuries to him and his father Niranjan Singh and due to the injuries caused by all the accused persons his father Niranjan Singh had died.

Learned trial Court, after going through the record and after hearing the arguments, accepted the application and present petitioners were summoned as additional accused. In the impugned order dated 03.08.2015,

learned trial Court held that Avtar Singh as PW-1 has categorically stated that accused persons already facing trial in the present case, while having in their possession swords, hammers and iron rods, in prosecution of their common object, murdered his father Nishan Singh and also caused injuries to the complainant. In the FIR also, present petitioners, Lakhbir Singh, Vikku and Dheeru have been named and stated to be armed with weapons and injuries have been attributed to them.

Learned trial court held that names of Charanjit Singh and Vikramjit Singh were kept in column No.2 and remaining accused are yet to be arrested. Learned trial Court correctly held that plea of alibi taken by the defence counsel cannot be seen at this stage and it is to be proved in defence.

From the perusal of the evidence on record, I find that it appears to the Court that the petitioners are involved in the commission of the offence and should be tried along with accused already challaned. By summoning the petitioners as additional accused, learned trial Court, has not committed any illegality.

In view of the above discussion, I find that the order dated 03.08.2015 passed by learned Addl. Sessions Judge, Kurukshetra is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in both the petitions, the same are dismissed.

April 25, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No