

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

CRR No.863 of 2016 (O&M)

Date of decision : 28.02.2017

Younus

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Naveen Kaushik, Addl. A.G., Haryana

Mr. Sunil Panwar, Advocate and
Mr. Dhananjay Singh, Advocate
for respondent Nos.2 to 7.

JITENDRA CHAUHAN, J. (Oral)

CRM-3409-2017

Allowed as prayed for, subject to all just exceptions.

Main Case

The instant revision petition has been filed against the impugned order dated 01.12.2015 passed by learned Addl. Sessions Judge, Mewat, whereby application under Section 319 of the Code of Criminal Procedure (for short 'Cr.P.C') for summoning respondent Nos.2 to 7 as additional accused, has been dismissed.

The learned counsel for the petitioner contends that in the statement recorded under Section 161 Cr.P.C. and in the FIR, petitioner had specifically mentioned the names and roles of respondent Nos.2 to 7. Thus, the impugned order is absolutely against the facts and deserves to be set aside.

On the other hand, the learned State counsel as well as learned counsel for respondent Nos.2 to 7 have supported the order under challenge and prayed for dismissal of the present petition.

I have heard the learned counsel for the parties and carefully perused the entire record on file.

As per the MLR, the alleged incident took place at Peepa Adda on 28.03.2015 at about 10.00 a.m. However, as per the FIR, the incident occurred on 27.03.2015 in the night. As per the record, Saddiq and Juber did not get themselves medically examined at Wardhan Hospital, Sohna, where they had brought deceased, Saddam on 27.03.2015 in the night. Instead, they went to CHC, Sohna, but got themselves medico legally examined at CHC, Nuh on 28.03.2015. During the investigation no evidence could be collected against the proposed accused.

In these circumstances, this Court feels that the impugned order has been passed after proper appreciation of evidence on record and application of judicial mind. Therefore, this Court does not find any ground to interfere with the impugned order, in exercise of its revisional jurisdiction.

Consequently, the present revision petition fails and is hereby dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

28.02.2017

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No