

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

**CRR No.2097 of 2017 (O&M)
Date of Decision: July 26, 2017**

Paras Kamboj @ Robin

...Petitioner

VERSUS

State of Haryana and another

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Diwan S.Adlakha, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Paras Kamboj @ Robin against respondents State of Haryana, Sumit and Vikas, challenging the impugned order dated 21.04.2017 passed by learned Addl. Sessions Judge, Yamuna Nagar at Jagadhri, vide which the application under Section 319 Cr.P.C. for summoning Rahul, Vikash and Sumit as additional accused, was partly allowed and only Rahul was summoned as additional accused.

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

The brief facts of the case as stated in the FIR are as under:-

“It is stated that I am resident of abovesaid address and a student of Final year in Yamuna Group of Institution Gadauli Yamuna Nagar. My Paternal Aunt Bua is married with Dharambir in village Fatehpur and I resides with my Paternal

Aunt in Village Fatehpur itself. My another Paternal Aunt (Bua) is residing in SanjayVihar Colony near Indlok Place. Yesterday on 21.04.2016 there was Jagran at the house of my Bua namely Sushma for which I had come on 20.04.2016 in the night time at the house of my Bua Sushma. Yesterday on 21.04.2016, number of guest had come at house of my Bua and there was Jagran was being performed outside the house. At about 1:45 PM, I and my relative Rahul son of Satish caste Kamboj, resident of Guglo took our meal together and after taking dinner, I along with Raul went towards Nursery to walk. When we reached near Nursery, one swift car of white colour, bearing registration No.HR-05-AD-1020 or 1050 stopped near us. One of the occupant/person from the stopped car asked us as to whose house the Jagran is going on, upon which, I replied that the Jagran is going on in the house of Pawan. Then, one boy/occupant alighted from the car, who caught hold me and forcibly dragged in the car. In the meantime, two other boys came from the backside and sit with me in the car. There were two other boys who came after them, out of them one was Rahul S/o Kanwar Pal caste Kamboj, R/o Rindal and other was Shanky S/o Mahinder caste Kamboj R/o Nabipur. Both they did not sit in the car my relative Rahul had fled away from the spot and those boys took me in that car towards main road. I raised hue and cry but they turned my neck downward inside the car. The boys sitting the car were calling the name of one boy as Ankush and the boys sitting in the car were contacting with the occupants of the other car continuously. But both the cars did not come together and one of the boy sitting in the car put pistol upon my temple. The another boys sitting in the car stated that Mahinder has given us Rs.5 Lakh only for such an amount of Rs.5 Lakh do not kill. They took me at an isolated place, where they while stopping the car, alighted me from the car and gave beatings to me with dands and one balli already lying on the spot. Then they fled away along with his car while living me there. I while getting up from that place, started walking on the road and fell down after some distance. After some time, one person came and asked me as to why you are lying there upon which I asked him for some water and then he gave me water. He informed my family after giving number by me. Then my family members got me admitted in Civil Hospital, Yamuna Nagar. I have suffered the injuries on legs and both hands and there is fracture on right arm. I have been caused injuries after kidnapping by Rahul R/o Rindal and Shanky R/o Nabipur on the asking of Mahinder Singh R/o Nabipur, in connivance with their friends whose name I do not know, but can identify on coming before me. The reason for the grudge is that Mahinder Singh R/o Nabipur is the brother-in-law (Dever) of Bua of my father and on 18.04.2016, Mahinder had quarreled with Om Parkash, uncle (Fufa) of my father and my father Raj Kumar had brought to his Bua and Fufa to Civil Hospital Indri for

treatment. Mahinder Singh had already come there for his treatment. There also, both the parties quarreled with each other and Mahinder Singh had threatened to get ready for treatment. Action be taken against the abovesaid persons. My mobile and purse, I card etc. are also missing. The statement is got recorded, heard and the same is correct. Sd/- Paras Kamboj, attested Sulinder Kumar, ASI, P.P. Gandhi Nagar, P.S. Farakpur, dated 22.04.2016.”

I have gone through the impugned order passed by learned Addl. Sessions Judge, Yamuna Nagar at Jagadhri dated 21.04.2017 . The perusal of the impugned order shows that this order has been passed as per evidence on record and as per law. To summon additional accused, it should appear to the Court that these persons which the prosecution wants to summon as additional accused, are involved in the commission of the offence and they should be tried along with accused already challaned by the police.

The perusal of the record shows that respondents No.2 and 3 Sumit and Vikas are not named in the FIR. The only evidence against them is the statement of the complainant in the Court who stated that he came to know about two other persons namely Vikas and Sumit. The Court below held that these persons were not seen by the complainant and as per evidence produced by the prosecution till date, their involvement has not been established in the commission of offence. It is further stated that these persons are stated to be in another car.

Keeping in view the evidence on record, it does not appear to the Court that Sumit and Vikas are also involved in the commission of the offence and they should be tried along with the accused already challaned.

In view of the above discussion, I find that the impugned order

Jagadhri, is correct, as per evidence and law and does not require any interference from this Court.

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

July 26, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No