

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

CRL. REVISION No.2544 OF 2017
DATE OF DECISION : 26th JULY, 2017

Joginder Singh

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Naveen S. Bhardwaj, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

Heard learned counsel for the petitioner.

In an application under Section 319 Cr.P.C. for summoning additional accused namely Kapil, Ram Bhateri alias Bhateri and Sumitra, the trial Court did not acceded to the request of the complainant.

I have gone through the reasons given by the trial Judge so also the evidence of PW-3-Jogender son of Sadhu Singh. Perusal of the evidence of PW-3 shows that no overt act has been find on the part of the three proposed accused persons, which attracts the act of committing murder by these proposed accuses, for which the other accused are being tried. The only giving of slaps is attributed to Sumitra and Ramrati and nothing has been attributed to Kapil except that the statement that they started beating Jagdish.

Learned counsel for the petitioner submits that with the aid of Section 319 Cr.P.C. these three persons should have been summoned.

I do not agree with this. Prima facie, there does not appear any unlawful assembly as such. The quarrel taken place suddenly on the spur of moment.

In that view of the matter, no fault can be found with the order of the trial Court.

Hence the present petition is dismissed.

26th JULY, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>