

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

**CRR No.748 of 2017 (O&M)  
Date of Decision: March 02, 2017**

Rattan Lal and others

...Petitioners

**VERSUS**

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Amit Choudhary, Advocate  
for the petitioners.

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**INDERJIT SINGH, J.**

Petitioners have filed this revision petition under Section 401 Cr.P.C. against respondent State of Haryana, challenging the impugned order dated 08.02.2017 passed by learned Addl. Sessions Judge, Palwal, vide which the application under Section 319 Cr.P.C. filed by the complainant was accepted and petitioners were summoned to face trial.

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

From the record, I find that challan was presented against Balbir, Dushyant and Dinesh in case FIR No.335 dated 27.06.2016 under Sections 341, 212, 506, 302, 34 IPC and Section 25 of the Arms Act. During the pendency of the trial, an application under Section 319 Cr.P.C. was filed by the complainant Parshotam for summoning the petitioners as additional accused. The brief facts of the case as noted down in the

impugned order passed by learned Addl. Sessions Judge, Palwal, are as

under:-

*“2. Facts necessary for the disposal of the present application are that the present FIR has been registered on the complaint of Parshotam son of Kanhiya Lal, resident of Gadiya Mohalla, Hodal addressed to S.H.O., P.S. Hodal for taking action against Dushyant, Rajesh, Dinesh, Rinku sons of Rattan Lal and Rattan Lal son of Ghuru, residents of Gadiya Mohalla, Hodal, District Palwal wherein he has alleged that they are four brothers and are married. On 26.06.2016 at about 9.00 p.m., his elder brother Kanwarpal was going at the shop of his uncle Rajinder. On the way, an altercation and abusing (Gali Galonch) has took-place between him and Dushyant. Dushyant has threatened Kanwarpal to kill and stated that he will see him. Thereafter, his brother Kanwarpal had gone to the shop of his uncle Rajinder. He had so reached at the shop and Kanwarpal had told him about the incident. Thereafter, at about 11.00 p.m., his uncle Rajinder has closed the shop and they were going to their house on foot. When they reached opposite to shop of Kamal Parkash, there Dushyant and his family members Rajesh, Dinesh, Rinku and their father Rattan Lal in connivance with each other, were standing on the way. They stopped Kanwarpal and said “you gave too abuses today, they will finish him off”. Then Rajesh who was carrying country made pistol in his hand, has handed over to Dushyant and said “Mar Sale Ko Goli”. On this, Dushyant had fired from country made pistol upon Kanwarpal. In order to save himself, Kanwarpal had put his right hand ahead and bullet after crossing the palm of his right hand struck in the chest of Kanwarpal near shoulder, due to which Kanwarpal fell down on the ground. Dushyant, Rinku and Rattan Lal has given legs and fist blows to Kanwarpal on his head while he was lying. Dushyant has again fired upon his uncle Rajinder with intend to kill him but the bullet did not fire from the country made pistol, due to which the life of Rajinder saved. They tried to save but accused has threatened to kill them. At the time of quarrel, shop of Kamal Parkash was closed. Thereafter, they took Kanwarpal in Kishan Singh Hospital, Hodal. But seeing the serious condition, the doctor has asked them to take him at some big hospital. Thereafter, they brought Kanwarpal in Government Hospital, Palwal where the doctor has declared him dead. He requested to take legal action.*

*During investigation, accused Rattan Lal son of Ghuru, Rajesh son of Rattan Lal and Rinku son of Rattan Lal were found innocent. After completion of investigation, police has filed the chargesheet against accused Balbir, Dushyant and Dinesh @ Chintu for the offence punishable under Sections 341, 212, 506, 302/34 of The Indian Penal Code, 1860 and 25 of The Arms Act, 1959.”*

Learned Addl. Sessions Judge, Palwal, after considering the

law and the evidence in this case, summoned the petitioners as additional accused.

For summoning additional accused under Section 319 Cr.P.C., it should appear to the Court that the persons to whom the prosecution wants to summon as additional accused, are involved in the commission of the offence and they should be tried together with the accused already challaned. It is settled law that standard of proof to summon additional accused is somewhat more than prima facie case. In the present case, the eye witness to the occurrence has appeared in the Court and has stated that Rajesh, Rinku and Rattan Lal were also present at the spot and Rajesh handed over the country made pistol to Dushyant and asked him to kill Kanwarpal. There is also allegation that these persons have given kick and fist blows on the head of Kanwarpal. There is one lacerated wound also over the occipital region of the deceased. The other injuries are with fire arm weapon.

Keeping in view the evidence on record, it appears to the Court that present petitioners are also involved in the commission of the offence and they should be tried along with the accused already challaned. The perusal of the order dated 08.02.2017 shows that no illegality has been committed by learned Addl. Sessions Judge, Palwal, while accepting the application under Section 319 Cr.P.C.

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

**March 02, 2017**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**