

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

**CRR No.774 of 2017 (O&M)
Date of Decision: March 20, 2017**

Wahid

...Petitioner

VERSUS

Shokeen and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.N.S.Shekhawat, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this revision petition under Section 401 Cr.P.C. against Shokeen and other respondents, challenging the impugned order dated 27.01.2017 passed by learned Addl. Sessions Judge, Nuh, vide which the application under Section 319 Cr.P.C. filed by the complainant-petitioner was dismissed.

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

From the record, I find that earlier the application under Section 319 Cr.P.C. filed by the present petitioner was dismissed by the trial Court. That order was challenged before this Court and this Court, set aside that order and the matter was remanded back to the trial Court to decide the application under Section 319 Cr.P.c. by passing well reasoned order after

discussing the statement of PW-1 etc.

Now, learned trial Court found that the applicant-complainant wants to summon 15 persons under Section 319 Cr.P.C. Learned trial Court after discussing the evidence, partly allowed the application and summoned Khalil, Akeel, Salauddin, Jamil, Majid, Ashu, Alli, Rasid, Sakri, Hoshiyar and Mubarik to face trial along with accused already challaned under Sections 148, 323, 324, 302, 341 and 506 read with Section 149 IPC. The application qua accused Shokeen, Shodan, Fajjar and Rujdar (already died) was dismissed.

Aggrieved from this part of the order regarding dismissal of the application qua respondents Shokeen, Shodan and Fajjar, present revision petition has been filed.

The perusal of the record shows that PW-1 Wahid has not named accused Shokeen in his statement. Qua Shodan, only *lalkara* has been attributed and qua Fajjar, fist and kick blows have been attributed. The perusal of the order dated 27.01.2017 passed by learned Addl. Sessions Judge, Nuh, shows that no illegality has been committed by the Court while dismissing the application qua these respondents. Learned trial Court has discussed that PW-1 has not even stated that accused Shokeen was accompanying the assailants. Furthermore, the Court held that as per PW-1, accused Fajjar gave kicks and fist blows to Sakir but he did not disclose on which part of body of Sakir, the alleged kicks and fist blows were given by accused Fajjar. Qua Shodan, as stated earlier, only *lalkara* has been attributed and PW-1 has not stated that any injury is inflicted by Shodan to him and to deceased Sakir.

The findings given by learned Addl. Sessions Judge, Nuh, are correct, as per evidence and law. While summoning the additional accused,

it should appear to the Court that the persons which the prosecution wants to summon as additional accused, appear to have been involved in the commission of the offence. From the above discussion, it does not appear that these respondents are also involved in the commission of the offence.

In view of the above discussion, I find that the impugned order dated 27.01.2017 passed by learned Addl. Sessions Judge, Nuh, is correct, as per evidence and law and no illegality has been committed by the trial Court while passing the order.

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

March 20, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No