

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

**269**

**CRM-M-15153 of 2017  
Date of decision: 17.01.2018**

**KRISHAN CHAND**

**...Petitioner**

**Vs.**

**STATE OF HARYANA AND ANOTHER**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE H.S. MADAAN**

Present: Mr. Ram Niwas Bhardwaj, Advocate  
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Inder Pal Goyat, Advocate  
for respondent No. 2.

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**H.S. MADAAN, J.(ORAL)**

FIR No. 117, dated 28.02.2015 was registered at Police Station Kharkhoda, District Sonipat for offences under Sections 148/149/323/325/452/506 IPC on the basis of written complaint submitted by complainant-Krishan Chand against Balkishan @ Balle contending therein that on 25.02.2015 at about 10:30 PM while Balkishan @ Balle having a lathi, Ramesh, S/o Ram Chander having a lathi, Yogesh S/o Syam Lal having a lathi, Kuldeep @ Toni having danda and Naveen S/o Ramesh having danda had assaulted Krishan Chand and inflicted injuries on his body.

After completion of investigation and other formalities the accused were challaned under Sections 148/149/323/325/452/506 IPC during the trial, complainant moved an application under Section 319

Cr.P.C., for summoning Balkishan alias Balle as an additional accused. The said application was dismissed by the trial Court observing that at stage of trial, there was no sufficient evidence to summon Balkishan @ Balle. Complainant preferred a revision petition against the said order, which was dismissed by Additional Sessions Judge, Sonapat, as such the petitioner has approached this Court by way of filing a petition under Section 482 Cr.P.C.

Notice was issued.

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

I find that there is no illegality or infirmity in the impugned orders which may call for interference by this Court while exercising jurisdiction under Section 482 Cr.P.C. Therefore, the petition stands dismissed. However, it is observed that if after examining Investigating Officer and other prosecution witnesses, if a fresh application is moved by the complainant or prosecution for summoning of Balkishan @ Balle as an additional accused, the same may be disposed of in accordance with law.

**January 17, 2018**  
Poonam (II)

**(H.S. MADAAN)**  
**JUDGE**

*Whether speaking/reasoned:*

*Yes*

*Whether reportable:*

*No*