

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31600 of 2011

DATE OF DECISION: JANUARY 11, 2018

KHILA RAM

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

PRESENT: MR. G.C.SHAHPURI, ADVOCATE FOR THE PETITIONER.
MR. VIKRAMJIT SINGH, ADDL.A.G., HARYANA.
NONE FOR RESPONDENTS NO.2 AND 3.

MAHABIR SINGH SINDHU, J.

It is contended by learned counsel for the petitioner that respondents No.2 and 3 actively participated in the occurrence, but the trial Court as well as the revisional Court erred in not considering the application under Section 319 Cr.P.C. by summoning respondents No.2 and 3 as accused.

Learned counsel for respondents No.2 and 3 is not present. A perusal of the case file reveals that the investigating agency chose not to prosecute respondents No.2 and 3 and filed final report under Section 173 Cr.P.C. against other accused only. The Deputy Superintendent of Police, Bilaspur, District Yamuna Nagar, in his affidavit has specifically stated that respondents No.2 and 3 were not present at the spot and have been roped in only being Government Servants. The trial Court also thought it appropriate not to summon respondents No.2 and 3 as no fresh evidence was brought on record against them. The revisional Court also held that the order of the trial

Court was interlocutory and therefore, dismissed the revision on the ground of maintainability. It has also come on record that the trial in the present FIR has already been concluded on 12.3.2014 and the co-accused were held guilty, and the learned trial Court was fair enough to release them on probation being the first offender.

Keeping in view the fact that there was no fresh evidence brought on record against respondents No.2 and 3 before the learned trial Court and the trial in the present case has already been concluded way-back on 12.03.2014, no purpose would be served while entertaining the prayer of the petitioner and the same would be an exercise in futility. Hence, the present petition is dismissed.

January 11, 2018
Gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether Reportable : No

Whether Speaking/Reasoned : Yes