

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

Criminal Revision No. 1779 of 2015 (O&M)

Date of decision: 19.7.2018

Ram Murti and another

.. Petitioners

vs

State of Haryana and another

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. K. D. S. Hooda, Advocate, for the petitioners.
Mr. Ankur Mittal, Additional Advocate General, Haryana.
Mr. R. K. Hooda, Advocate, for respondent no. 2.

Rajesh Bindal, J.

Order dated 21.4.2015 passed by the learned Court below in an application filed by complainant- Bhupinder Singh for summoning of additional accused has been impugned by filing the present petition, by the persons, who have been summoned.

The petitioners were put in column no. 2 in the supplementary report filed by the prosecution. In trial against the main accused, they were acquitted vide judgment dated 27.7.2017. The findings recorded by the trial Court are that the prosecution has miserably failed to connect the accused with the commission of offence. It was further observed that prosecution had falsely implicated the accused and the alleged recoveries were doubtful.

Learned counsel for the petitioners submitted that once the main accused have been found to be falsely implicated, petitioner no.1, who is wife of one of the accused, who faced trial, cannot be said to be involved in the crime, as her presence was shown along with the main accused. Similar is the position with petitioner no. 2.

Learned counsel for respondent no.2/ complainant could not dispute the factum of acquittal of the accused, who faced trial.

Heard learned counsel for the parties and perused the paper book.

A perusal of the order passed by the learned trial Court shows that the evidence of the complainant on the basis of which the petitioners were summoned was not found to be trustworthy, even against the accused, who had faced trial. The same cannot be said to be more valuable in the case of the accused against whom even challan was not presented.

Keeping in view the aforesaid facts, in my opinion, the impugned order passed by the trial court summoning the petitioners as additional accused, deserves to be set aside.

Ordered accordingly.

The petition stands disposed of.

19.7.2018
vs

(Rajesh Bindal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No