

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

140

CRR NO.3938 OF 2017

DATE OF DECISION: JANUARY 22, 2018

Jagbir Singh

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kamal Singh, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, impugning the order dated 09.08.2017 passed by learned Additional Sessions Judge (I), Fatehabad, whereby an application moved by the prosecution under Section 319 Cr.P.C. for summoning accused Harpal Singh as an additional accused has been dismissed.

It is the contention of learned counsel for the petitioner that the petitioner, who is a complainant, got lodged a FIR against five persons, who were specifically named alongwith 17/18 other unknown persons, who had entered his house by breaking the door and threatened to kill him. They dragged his wife on the floor and gave beatings to the complainant and his family members. He contends that not only the petitioner named Harpal Singh in the FIR, even his wife, Kamlesh, in her statement under Section 161 Cr.P.C., has named him. He contends that the application should have

been allowed by the trial Court keeping in view the fact that accused Harpal Singh has been specifically named in the FIR.

I have considered the submissions made by counsel for the petitioner and on going through the impugned order, I do not find any substance in the same.

Except for naming Harpal Singh in the FIR, who is stated to be a police official, no overt act whatsoever has been attributed to him. It is not even the case of the prosecution or the complainant that he was armed with any weapon. On investigation, Harpal Singh has been found to be innocent and no challan has been presented against him. Considering the statement of the petitioner, as recorded before the trial Court, I do not find any illegality in the order dated 09.08.2017 passed by learned Additional Sessions Judge-I, Fatehabad.

In view of the above, the present petition, being devoid of merit, stands dismissed.

January 22, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No