

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.1149 of 2018 (O&M)

.....

Date of decision:13.8.2018

Raj Kumar Goyal

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. D.K. Bhatti, Advocate for the petitioner.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned order dated 16.2.2018 passed by learned Additional Sessions Judge, Patiala, whereby the application under Section 319 Cr.P.C. filed by the accused for summoning S.S. Jaggi, Section Officer Legal (Retd.), Punjab Small Industries & Export Corporation, Chandigarh as additional accused to face trial has been dismissed.

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

From the record, I find that the present petitioner has already been challaned in the case. He filed an application under Section 319 Cr.P.C. for summoning S.S. Jaggi, Section Officer Legal (Retd.) as an additional accused. A perusal of the record shows that S.S. Jaggi has

appeared as a witness in the case as PW-7.

Learned counsel for the petitioner argued that S.S. Jaggi was charge-sheeted during the departmental inquiry and penalty was imposed upon him. The allegations against S.S. Jaggi are also the same. Therefore, he argued that he should also be summoned.

After hearing learned counsel for the petitioner and after going through the record, I find that for summoning additional accused it should appear to the Court that there is involvement of the additional accused in the commission of the offence and he should also be tried along with the accused already challaned. The standard of proof required for summoning additional accused is somewhat more than *prima facie* case.

A perusal of the averments made in the application, as mentioned in the order itself, shows that there is no evidence on the record against S.S. Jaggi for any offence. From the cross-examination of witness-S.S. Jaggi, it no where shows that any offence has been made out against him. He has been produced by the prosecution as a witness against the accused/ petitioner. Learned counsel for the petitioner failed to show to this Court any cogent evidence against S.S. Jaggi before the trial Court, to whom the petitioner wants to summon. Therefore, from the record, it does not appear to the Court that S.S. Jaggi is also involved in the commission of the offence.

I have gone through the impugned order which is correct as per law. In no way, it can be held as perverse or illegal and the same is upheld.

Finding no merit in this criminal revision petition, the same is dismissed.

August 13, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No