

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

**CRR No.1669 of 2018 (O&M)
Date of Decision: August 09, 2018**

Ranjit Singh

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Harkesh Manuja, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ranjit Singh against State of Haryana and other respondents, challenging the impugned order dated 21.04.2018 passed by learned Addl. Sessions Judge, Ambala, vide which the application filed by the petitioner under Section 319 Cr.P.C. was dismissed.

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

From the record, I find that an application was filed under Section 319 Cr.P.C. by the complainant Ranjit Singh through learned Public Prosecutor for summoning Balwinder Singh, Ravinder @ Ravi and Avtar Singh as additional accused, during the pendency of the trial of case FIR No. 28 dated 26.03.2016 under Sections 302 and 34 IPC.

From the record, I find that the above-said persons, whom the

complainant wants to summon in this case namely Balwinder Singh,

Ravinder @ Ravi and Avtar Singh, were not named in the FIR. They were not nominated, as admitted at the time of arguments, in any of the statement under Section 161 Cr.P.C. The above-said persons have not been joined during the investigation nor they have been kept in column No.2. Now, while appearing in the Court, the complainant has levelled allegations against them. It is a case of circumstantial evidence. Only on the statement of complainant that these persons were not joined in the investigation or the investigation is defective, the above-said persons cannot be summoned as additional accused. Learned counsel for the petitioner failed to point out any cogent evidence from which the Court can come to the conclusion that it appears to the Court that these persons are also involved in the commission of offence and should be tried along with the accused already facing the trial. On the ground that investigation has not been conducted properly or some articles were not sent to FSL etc., I find that at this stage, there is only suspicion by the complainant against the above-said persons. The application under Section 319 Cr.P.C. is to be decided by the trial Court on the basis of evidence produced before it.

In view of the above discussion, I find that the order dated 21.04.2018 passed by learned Addl. Sessions Judge, Ambala, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

August 09, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No