

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

111

CRR-2594-2018 (O&M)
Date of Decision : 10.08.2018

Sanjay

...Petitioner

Versus

State of Haryana and another

...Respondent

CORAM: HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Parmod Parmar, Advocate for the petitioner.

P.B. BAJANTHRI, J.(ORAL)

The instant revision petition has been presented by the petitioner against the order dated 30.05.2018 passed by Addl. Sessions Judge, Jhajjar whereby application filed application under Section 319 Cr.P.C. before Sessions Court for summoning Akshay son of Ram Mehar as additional accused to face trial with other co-accused in FIR No. 85 dated 01.07.2016 under Sections 307, 120-B,34 IPC registered at Police Station Line Par Bahadurgarh and prayed for allowing the same.

2. The Sessions Court dismissed the petitioner's application on 30.05.2018 while holding that no material has been placed on record so as to implicate Akshay as co-accused. To that extent petitioner is not disputing except stating that before the alleged incident about 3 to 4 days back there was a scuffle between the petitioner and Akshay which led to the alleged incident which is narrated in the FIR. Sessions court has recorded as follows:-

"10. In the light of above legal preposition, if the case in hand is perused, it comes out that the

complainant had levelled allegations of conspiracy against the proposed accused Akshay but from the entire evidence produced on record, no material has come forward which could prove that Akshay has conspired with accused facing trial to commit the offences. The quarrel with Akshay had taken place 3-4 days prior to the incident regarding which no complaint was made by the complainant. It is yet to be determined whether any such quarrel had taken place or not. The conspiracy is to be proved from attending circumstances but there is no material which could point to the conclusion that the accused facing trial had attempted to murder the complainant on the instigation or in conspiracy with proposed accused Akshay. Thus, no ground for summoning the proposed accused Akshay as additional accused is made out."

3. Perusal of the statement made by petitioner before the Sessions court shows only that Akshay came to his office and he slapped him and he conspired to kill him. There is nothing mention about the reason of his scuffle with Akshay from which it could be ascertained that the dispute of such nature that his brother tried to kill him. Moreover, petitioner turned hostile qua one of accused namely Sunny.

4. In view of these factual aspects and finding recorded by the Sessions Court in respect of dismissing the petitioner's application under Section 319 Cr.P.C. for summoning Akshay as a co-accused, no case is made out to summoning the accused. Hence petition stands dismissed.

10.08.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE***Whether speaking/reasoned?**Yes/No**Whether reportable?**Yes/No*