

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-62095 of 2018
Date of Decision: December 21, 2018

Balwant Rai
.....Petitioner
versus
State of Punjab and another
.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Pardeep Bajaj, Advocate for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner seeks quashing of order dated 22.11.2016 (Annexure P-2) whereby an application for summoning respondent No. 2 as an additional accused has been dismissed as well as order dated 16.08.2018 (Annexure P-1) whereby revision against order dated 22.11.2016 has also been dismissed.

Learned counsel for the petitioner contends that the police investigation reveals involvement of respondent No. 2 in the case and, therefore, the Courts below were in error in refusing an application filed by the petitioner to summon him as an additional accused. For summoning the person as an additional accused, the Court should be satisfied on the basis of evidence available on its record that such a person has committed the offence and the evidence on record indicates that in case he fails to rebut the same he would be liable to be convicted. In this case, the investigation report of the police is being relied upon and the same is not material at all.

Thus, there is no ground for interfering in the impugned orders. The petition is misconceived and is, accordingly, dismissed.

December 21, 2018
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[SUDHIR MITTAL]
JUDGE

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