

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

CRM-M-19049-2019 (O&M)

Date of decision : 29.04.2019

Anwar Ali

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.K. Panwar, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

This petition has been filed against the order passed by the trial Court dismissing the application under Section 319 of the Code of Criminal Procedure rejecting the request to summon the additional accused. Revision against the aforesaid order has been dismissed by the learned Additional Sessions Judge vide order dated 25.03.2019.

Both the Courts have examined the facts of the case and the evidence available on the file.

This Court has also heard learned counsel for the petitioner at length and with his able assistance gone through the documents filed in the paper book.

Learned counsel for the petitioner while drawing attention of the Court to the statement of Anwar Ali i.e. Annexure P-5 has submitted that specific role has been attributed to the additional accused sought to be

summoned and, therefore, the Courts have erred in refusing to summon the additional accused. It may be noted that both the Courts below have examined the statement of Anwar Ali-PW1 and found that police after investigation had found that the additional accused sought to be summoned was not involved and the evidence which has come on record is not sufficient to summon the additional accused.

In view of the fact that both the Courts have already appreciated the evidence which has come on record and no perversity or material irregularity has been pointed out in the order passed, therefore, this Court does not find any good ground to interfere.

Accordingly, the present petition is dismissed.

29.04.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No