

In the High Court of Punjab and Haryana at Chandigarh

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CRR-1159-2019(O & M)
Date of Decision: 29.05.2019

MAJOR KHAN

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Mohd. Salim, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 18.03.2019 whereby application under Section 319 Cr.P.C. for summoning the private respondents as additional accused has been dismissed.

Learned counsel for the petitioner contends that the private respondents were specifically named in the FIR and hence they should have been summoned to face trial as additional accused.

It is the case of the prosecution that on 31.12.2014 at about 11.00 am, the accused, who were named therein and other unidentified persons, had entered the house of the complainant and tried to take forcible possession of the same and on the resistance of the complainant and his family members, they were beaten up by the accused. Police after the investigation filed challan against 8 persons and the private respondents were put in column No.2. The injuries which have been received by the complainant and his mother are stated to be simple in nature. Besides, the reiteration of the version in the complaint

and in his deposition before the Court as PW-1 and the statement of PW-2, there is no other evidence which would justify the summoning of the private respondents as additional accused. The MLR of the complainant is not on record while copy of the MLR of the mother of the complainant is at Annexure P-4 which indicates that there is superficial laceration on the parietal region.

In view of the allegations in the FIR and the nature of the injuries on the complainant and the injured, 8 persons are facing trial. The impugned order refusing to summon the private respondents as additional accused would not call for any interference as no further evidence for their involvement has come to light. It is well settled that the power under Section 319 Cr.P.C. has to be exercised with due care and caution.

Consequently, I do not find any merit in the petition and the same is accordingly dismissed.

However, nothing observed hereinbefore shall have any bearing on the merits of the case.

(ANUPINDER SINGH GREWAL)
JUDGE

May 29, 2019

A.Kaundal

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