

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No.1186 of 2019(O&M)
Date of Decision: September 12, 2019.

Gurpiyar Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.R.S.Mamli, Advocate, for the petitioner.

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Anil Kshetarpal, J. (Oral)

Challenge in this case is to the order dated 18.04.2019 passed by the Court of learned Additional Sessions Judge, Fatehabad, dismissing the application under Section 319 Cr.P.C. after finding that the evidence led does not prove more than *prima-facie* case against the accused sought to be summoned.

Learned counsel for the petitioner submits that respondent Nos.2 & 3, who are females, had exhorted the main accused and therefore, since the stand of the prosecution in the FIR and the evidence led is consistent. Hence the Court committed error in refusing to summon respondent Nos.2 & 3.

Police, after investigating the case, has found that sufficient evidence against respondent No.2 & 3 was not available. No doubt, the Court in terms of Section 319 Cr.P.C. can summon additional accused, however, the aforesaid power is to be exercised in the rare and exceptional cases. The standard of satisfaction as interpreted by the Constitutional

Bench in the case of **Hardeep Singh versus State of Punjab and others,**

should be satisfied that more than *prima-facie* case is made out against the accused sought to be summoned. In the present case, this Court finds that the learned Court has correctly found that the evidence is not available and opined that more than *prima-facie* case is not made out against the accused to be summoned.

Dismissed.

September 12, 2019
mohinder

(ANIL KSHETARPAL)
JUDGE

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