

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-33592-2019 (O&M)

Date of decision: 20.08.2019

Lakhwinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Neeraj Madaan, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Application under Section 319 Cr.P.C. for summoning the additional accused namely respondents No.2 and 3 was allowed by the trial Court vide order dated 22.01.2019 which has been set aside by the learned Additional Sessions Judge after finding that the injuries attributed to respondents No.2 and 3 is not supported by medical evidence. As per the allegations, respondents No.2 and 3 were armed with wooden batons at the time of incident and had caused injuries to the first informant-petitioner. However, learned Additional Sessions Judge after examining the record has found that medico legal report of the injured-petitioner nowhere shows that any injury was caused to the injured-petitioner with the help of wooden batons.

It is well settled that power under Section 319 Cr.P.C. to summon additional accused is to be used only in rare and exceptional cases particularly when the Court is in a position to record the finding to the

effect that more than prima facie case stands established against the persons who are sought to be summoned as additional accused. Reference in this regard can be made to a Constitutional Bench judgment of the Hon'ble Supreme Court in the case of Hardeep Singh Vs. State of Punjab, 2014(3) SCC 92.

Hence, there is no ground to interfere.

The petition is dismissed.

20.08.2019
D.Bansal

(ANIL KSHETARPAL)
JUDGE

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