IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

125 **CRR No.1770 of 2019 (O&M)**
Date of decision : 09.09.2019

Ashok Kumar

... Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Prateek Rathee, Advocate for the petitioner.

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Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 17.05.2019 whereby application under Section 319 Cr.P.C. for summoning the respondents as additional accused has been dismissed.

Learned counsel for the petitioner contends that the respondents were named by the complainant in his statement before the police under Section 161 Cr.P.C. They were also named by PW-4 who is the brother of the complainant in his deposition before the trial Court and they have been assigned specific roles. It was categorically mentioned that respondent No.3-Bijender had fired a shot in the air while respondent No.2 was present along with other accused when they had attacked the complainant. He also contends that one of the co-accused in his statement to the police had also named the respondents as the persons who were also present along with other accused at the place of occurrence.

Heard.

The allegations in the FIR are that several persons had come to the house of the complainant and had fired a shot which, however, did not hit the

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complainant. There is no person who was injured in the occurrence. The respondents who are sought to be summoned under Section 319 Cr.P.C. were not named in the FIR wherein the names of three accused have been specified. The complainant had later named respondent No.3-Bijender in his statement under Section 161 Cr.P.C. But it was not stated by him that Bijender had fired a shot. In his deposition before the trial Court as PW-4, the brother of the complainant had described the specific role of the respondent-Bijender in firing a shot in the air while appears to be an improvement to rope in the respondent.

In the wake of the afore-noted facts, I do not find any manifest illegality in the order of the trial Court in dismissing the application under Section 319 Cr.P.C. It has rightly been held by the trial Court that the presence of the respondents is highly doubtful especially when they were not named in the FIR.

Consequently, I do not find any ground to interfere in the impugned order and the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

September 09, 2019
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Whether speaking/reasoned : Yes
Whether Reportable : Yes/No

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