IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CRR No.2479 of 2019 (O&M)
Date of decision : 26.11.2019

Girraj Singh @ Pappu

... Petitioner

Versus

State of Haryana and others

.. Respondent

CORAM : HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present : Mr.Partap Singh, Advocate
for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has impugned the order dated 30.08.2019, whereby his application under Section 319 Cr.P.C. for summoning the private respondents to face trial as additional accused, has been declined.

Learned counsel contends that the private respondents had been named in the FIR by the complainant. He had also named the private respondents in his statement before the court. They were alleged to have been armed with different weapons and had actively participated in the commission of offence and therefore, they ought to have been summoned to face trial as additional accused.

Heard.

The FIR had been registered by the complainant, Girraj Singh @ Pappu. In the incident, injured Gaurav is stated to have received a serious injury on his head which was allegedly caused by handle of the pump by Mahipal. Three others who are alleged to have been injured in the occurrence namely, Jyoti, Kavita and Beero have been caused simple injures which include swelling and tenderness in the arm and other parts of the

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body. The motive behind the occurrence is stated to be that Mahipal and Satish were trying to dissuade the complainant Girraj to depose against them in a criminal case. Gaurav who is son of the complainant, Girraj had been caused a serious injury on his head. The private respondents are stated to be the relatives of the accused Mahipal and Satish who are facing trial. The private respondents had been found to be innocent in the course of investigation.

It has been held by the Supreme Court in the case of "**Hardeep Singh vs. State of Punjab 2014(3) SCC 92,** that the power under Section 319 Cr.P.C. has to be used sparingly and only in those cases where the circumstances exist for doing so. The test that has to be applied is one which is more than prima facie case as exercised at the time of framing of charge, but short of satisfaction to an extent that the evidence if goes un-rebutted, would lead to conviction.

Merely, because private respondents had been named in the FIR which has been reiterated by the complainant in the deposition before the court would not be sufficient to summon them to face trial as additional accused under Section 319 Cr.P.C.

Consequently, I do not find any infirmity in the impugned order dated 30.09.2019 declining the application filed under Section 319 Cr.P.C. for summoning the private respondents to face trial as additional accused.

The petition stands dismissed.

[ANUPINDER SINGH GREWAL]
JUDGE

26.11.2019
sd

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

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