

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

133

**CRR No.2636 of 2019 (O&M)**

Date of decision : 14.10.2019.

Suresh Chand

... Petitioner

Versus

State of Haryana and others

.. Respondents

**CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL**

Present:- Mr. Ramnish Puri, Advocate for the petitioner.

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**Anupinder Singh Grewal, J. (Oral)**

The petitioner has challenged the order dated 10.09.2019 whereby an application under Section 319 Cr.P.C. for summoning the private respondents to face trial as additional accused has been dismissed.

Learned counsel for the petitioner contends that the private respondents had been duly named by the petitioner in the FIR and in his deposition before the trial Court. PW-11 Babli Devi, who is the daughter-in-law of the petitioner had also deposed indicating the involvement of the private respondents as having instigated the main accused to hit the deceased. He also contends that it is wrongly noticed by the trial Court in the impugned order that the petitioner has introduced a new version in his deposition before the trial Court.

Heard.

The allegations in the FIR and the testimony of the complainant against the private respondents are that they had instigated the main accused-Karambir to hit the deceased. It is alleged that Karambir who is facing trial under Section 302 IPC, had hit the deceased with a stick (*danda*) on her head.

The MLR of the deceased also reflects a single injury on her head. Respondent

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No.2 who is the mother of accused-Karambir while respondent No.3 is the sister. There is no allegation of any overt act on the part of the private respondents in causing any injury to the deceased. The sole injury which is suffered by the deceased is attributed to accused-Karambir who is facing trial under Section 302 IPC. PW-1 Ashok who is the nephew of the deceased has not supported the prosecution case and stated that the deceased had fallen down and received the injury. PW-3 Vikram Singh who is also a relative of the deceased has also not supported the prosecution case especially with regard to the involvement of the private respondents.

Therefore, I do not find any manifest illegality in the order of the trial Court dismissing the application under Section 319 Cr.P.C. for summoning the private respondents as additional accused. Consequently, the petition stands dismissed.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**October 14, 2019**

sonia gugnani

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|---------------------------|---|------------|
| Whether speaking/reasoned | : | <b>Yes</b> |
| Whether Reportable        | : | Yes/No     |