

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

**CRR-1197-2018 (O&M)
Date of Decision : 15.01.2020**

Savitri Devi and another Petitioners
Versus

State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Ms. Sudha, Advocate
for the petitioners.

Mr. Amrik Narwal, DAG, Haryana.

RAMENDRA JAIN, J. (Oral)

Through this revision, petitioners have assailed the order dated 30.01.2018 of the trial court, dismissing their application under Section 319 Cr.P.C. to summon Makhan son of Ram Partap as additional accused.

According to petitioners' own version, on 09.11.2016 when petitioner No.2 Parveen Kumar, driving his tractor was going towards field, he was stopped by accused Vikram through his tractor make Eicher. Despite asking by petitioner No.2 to clear the passage, accused Vikram did not adhere to his request, rather called his father Jagdish with whom Makhan (sought to be summoned as an additional accused) having a rifle and one Chhotu Ram came on the spot. Thereafter, some altercation took place between Jagdish and petitioner No.2, whereupon accused Jagdish fired a shot from his pistol towards petitioner No.2, pellets of which, hit the upper

portion of left side of stomach of petitioner No.2. Complainant party also caused injuries to accused in self defence.

From the above story putforth by prosecution, it is apparent on record that simple presence of Makhan Singh son of Partap with rifle has been shown on the spot. He did not ever participate in the fight. Even he did not respond to the injuries caused by petitioner No.2 to accused Jagdish and his co-accused Vikram allegedly in self defence. Makhan Singh is stated to be simply a silent spectator.

Considering the above factual position, this court is not inclined to interfere with the impugned order. Resultantly, the same is affirmed.

Dismissed.

15.01.2020

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No