

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

CRR No.4239 of 2017

Date of decision: 4th February, 2020

Jaswant Singh

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amit Khatkar, Advocate for the petitioner.

Mr. Deepak Manchanda, Addl. Advocate General, Haryana
for respondent No.1/State.

None for remaining respondents.

FATEH DEEP SINGH, J.

In case got registered by way of FIR bearing No.14 dated 09.01.2016 registered under Sections 302, 323, 341, 148, 149 IPC pertaining to Police Station Safidon, District Jind, some of the persons namely Kulbir, Major, Hoshier, Bhupender, Amrit Pal, Balwinder, Gurbaj, Beant and Hardeep were placed in column No.2 of the report under Section 173 Cr.P.C. The complainant moved an application under Section 319 Cr.P.C. on 28.10.2016 for summoning all these persons as additional accused to face trial along with their co-accused. The Court of learned Additional Sessions Judge, Jind vide impugned orders dated 13.09.2017 dismissed the application and that is how the present revision petition has come about.

Heard Mr. Amit Khatkar, Advocate for the petitioner; Mr. Deepak Manchanda, Addl. Advocate General, Haryana for respondent No.1/State and perused the records of the case.

It is admittedly there in the allegations that the single injury on the person of Jaswant Singh by way of a gandasi has been attributed to Navdeep Singh but the MLR certainly negates it. The injury leading to death of deceased Azad Singh by means of sphere blow on the chest is attributed to Jodhbeer Singh. The police during the course of investigations have found these persons innocent. Except the injury of the deceased, one simple bruise by way of blunt assault is shown to be on the person of Karamjit Singh and Jaswant Singh. Jaswant Singh has been examined by the prosecution as PW1 on the basis of which, application under Section 319 Cr.P.C. has come about. Learned trial Court appreciating the submissions of this witness, has drawn a conclusion that the persons who have been attributed specific injuries are already arraigned as accused and are facing trial with four other persons and there is no specific role attributed by PW1 to any of the persons who are being sought to be summoned through the aid of Section 319 Cr.P.C. The only semblance of allegations is that accused have pelted brick bats. However, there is no specific role to any of the accused in having pelted the brick bats or as to whom the same had hit. There is no other injury to any of the injured which could be attributed to the persons being sought to be summoned as additional accused.

Though initially complainant had named 18 persons, is itself illustrative of the motive behind the same being political vendetta. The Courts need to be slow in acting on such unwanted insinuations. Since learned counsel for the petitioner could not convince this Court what substantial, cogent and reliable evidence has come as on date necessitating summoning of these persons as additional accused. The process of the Court cannot be allowed to be used for making undue gains as a misuse of the process. The trial Court has given a well reasoned finding which does not call for any interference in the present petition by this Court. As such the instant revision petition being devoid of any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

February 4, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No