

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.108

CRR-273-2023 (O&M)

Date of Decision: 03.02.2023

Shiv Charan

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

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

Ms. Mahima Yashpal, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

CRM-4049-2023

This is an application seeking condonation of delay of 34 days
in filing the revision petition.

For the reasons stated in the application, the same is allowed
and delay of 34 days in filing the revision petition stands condoned.

CRR-273-2023 (O&M)

This revision petition has been filed against the order dated
22.09.2022 passed by Additional Sessions Judge, Bhiwani, whereby
petitioner's application under Section 319 Cr.P.C. for summoning
respondents No.2, 3 and 5 as additional accused, has been dismissed.

The case is being tried under Sections 304 and 498-A of IPC.
The respondents sought to be summoned as additional accused are mother-
in-law, father-in-law and sister-in-law of the deceased.

Learned counsel for the petitioner has argued that there is *prima facie* case against all the aforesaid respondents as allegations against them were levelled in the FIR as well as in the deposition of the deceased's father/complainant.

It is a settled law that for summoning a person as an additional accused, there has to be satisfaction of the Court that the evidence on record could lead to his conviction. Mere *prima facie* case cannot be a ground to summon the person(s) as additional accused to be tried for the offences alleged. The trial Court by appreciating the material on record found that there is no such evidence which could indicate sufficient grounds to summon the respondents as additional accused.

In view thereof, there is no ground to interfere with the impugned order dated 22.09.2022 passed by the Additional Sessions Judge, Bhiwani.

Dismissed.

Pending miscellaneous application(s), if any, stand disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

03.02.2023
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No