

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

283

CRM-M-7915-2022
Date of Decision:19.01.2023

Vijay Rathi
State of Haryana

Versus

....Petitioner
....Respondent

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sukhdeep Singh, Advocate for
Mr. A.D.S. Sukhija, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.

Aggrieved by dismissal of the application for non-summoning of Vinay Rathi (brother of the petitioner) as an additional accused u/s 190(1)(B) of CrPC, the petitioner who is co-accused, has come up before this Court.

Counsel for the State submits that initially Vinay Rathee was arraigned as accused but during the investigation, he was exonerated way back in the year 2014. Even the petitioner has not arraigned the aggrieved person-Vinay Rathee as respondent in the petition.

Counsel for the petitioner relies upon the judgment passed by Hon'ble Supreme Court of India in ***Bholu Ram vs. State of Punjab and another 2008(9) SCC 140*** and submits that the application for arraigning the accused can also be filed by the co-accused.

A perusal of the said judgment reveals that such right accrues only when some allegations found against such accused, which is not in the present case.

This Court finds no illegality in the impugned orders passed by the Courts below. Consequently, the present petition is dismissed. Pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)
JUDGE**

19.01.2023
anju rani

Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no