

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-1719-2025 (O&M)

Decided on 17.07.2025

Pawan & Ors.

... Petitioners

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Akash Vashisth, Advocate for the petitioner

Sandeep Moudgil, J.

(1). This petition under Section 442 BNSS has been filed by the petitioner seeking to quash the impugned order dated 09.05.2025 passed by Sessions Judge, Bhiwani vide which the petitioners have been summoned to face trial in a case arising from FIR No.327 dated 10.06.2024 under Sections 147/148/323/506 IPC (Sections 149/302 IPC added later on), registered at PS Sadar Bhiwani.

(2). Learned counsel for the petitioners submits that it has been clearly stated in the final report filed under Section 173 CrPC, that the investigation qua the remaining accused is pending and in case, need arises, then a supplementary challan shall be filed against them and as such, investigation by the investigating agency qua the remaining three accused i.e. petitioners is still pending. He urged that a bare reading of Section 319 Cr.PC, would undoubtedly clear that where it has been provided that the powers under Section 319 of Cr.PC for summoning additional accused can be exercised only during the stage of inquiry or pendency of the trial and such powers could not have been examined as has been held by the Supreme Court in **Hardeep Singh vs. State of Punjab (2014) 3 SCC 92.**

(3). It is vehemently contended that the names of the summoned accused i.e. the petitioners are not mentioned by giving any specific attribution against them in the FIR itself which has been recorded comprehensively by the complainant leaving no scope for implication of the petitioners at the first instance and still there is nothing mentioned in the first complaint and keeping in view this factual aspect, the police during investigation found involvement of only 4 persons and the challan was not filed against the petitioners.

(4). Heard learned counsel for the petitioner.

(5). Considering the complaint dated 10.06.2024, which led to the registration of the FIR, specific roles have been attributed to the accused facing trial and the petitioners who were not charge-sheeted by the police. The question remains whether a prima facie case exists to warrant summoning the petitioners as additional accused to face trial. It thus needs to be determined whether the prosecution's evidence, if unrebutted, could potentially lead to the conviction of the proposed accused

(6). A perusal of the impugned order would show that the trial court considered the deposition made by Prakash, uncle of the complainant Gaurav (since deceased) who appeared in witness box as PW1 and categorically deposed that he saw seven persons having dandas and bindas in their hands and the petitioners were one of those persons involved in causing grievous injuries to the deceased.

(7). This Court finds that the Trial Court has meticulously examined the evidence brought on record by the prosecution, including the statement of the complainant dated 10.06.2024 and the testimony of alleged eyewitness PW1 Prakash. The findings of the trial court that the prosecution has presented

sufficient evidence against Pawan, Neeraj, and Pushkar, which, if unrebutted, would be sufficient to base their conviction thus cannot be faulted with being based on the degree of satisfaction required by the trial court for rightly invoking Section 319 Cr.P.C. Furthermore, the investigating officer's report under Section 173 Cr.P.C. does not provide any reasons for exonerating the proposed accused i.e the petitioner and in the absence of any such justification, this Court finds no infirmity in the impugned order

(8). In view of the above, this Court upholds the impugned order passed by the trial court and dismiss the instant petition being devoid of merits. The Trial Court shall proceed in accordance with law uninfluenced of the observations made by this Court.

(9). Ordered accordingly.

17.07.2025

V.Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No