



CRM-M-25809-2025

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

(265)

CRM-M-25809-2025
Date of Decision:-12.02.2026

Ajay Kumar

.....Petitioner

Versus

State of Haryana and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Shivam Sharma, Advocate,
for the petitioner.

Mr. Vinay Phogat, DAG, Haryana.

Mr. Yashdeep Nain, Advocate,
for respondent No.3.

Mr. Shivam Sachdeva, Advocate,
for respondent No.4.

Mr. P.K. Ganga, Advocate,
for respondent No.6.

Ms. Rajvinder Kaur, Advocate, for
Mr. Hitesh Verma, Advocate,
for respondents No.7 and 8.

Mr. R.S. Jhand, Advocate,
for respondent No.9.

JASJIT SINGH BEDI, J. (Oral)

1. The present petition has been filed for setting aside the impugned order dated 10.03.2025 (Annexure P-4), passed by the learned Additional Sessions Judge, Fatehabad in FIR No.143 dated 30.03.2020, registered under Sections 120-B, 406, 409, 420, 467, 468, 471 IPC, to which Section 7A of the Prevention of Corruption Act, 1988 and Section 65



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of the Information Technology Act, 2000 were subsequently added, at Police Station City Tohana, District Fatehabad. Vide the impugned order, the application filed by the petitioner/accused under Section 193 Cr.P.C. for summoning certain other persons as accused has been dismissed.

2. Mr. Naveen S. Bhardwaj, Advocate appears on behalf of respondent No.4 and filed vakalatnama on his behalf. The same is taken on record.

3. Learned counsel for the petitioner contends that ample material is available on record indicating the involvement of certain influential persons, including officials who were posted as SDM/RTO Tosham, and that without their active role, the alleged illegalities and irregularities could not have been committed. It is argued that these persons have been deliberately exonerated during investigation and, therefore, the trial Court ought to have exercised its powers under Section 193 Cr.P.C. to summon them to face trial. On this premise, it is prayed that the impugned order be set aside and the said persons be summoned in accordance with law.

4. Per contra, learned counsel for the State, along with counsel appearing for respondents No.3, 4 and 6 to 9, submits that out of 95 prosecution witnesses, 31 witnesses have already been examined. At this advanced stage of the trial, an application under Section 193 Cr.P.C. is not maintainable. It is contended that the petitioner is at liberty to invoke the provisions of Section 319 Cr.P.C., if during the course of evidence, it appears that any other person ought to be summoned as an accused.

5. This Court has heard learned counsel for the parties and perused the paper-book.



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6. A perusal of the record reveals that the present petition challenges the order dated 10.03.2025 whereby the application under Section 193 Cr.P.C. for summoning certain officials was dismissed. Section 193 of the Code of Criminal Procedure, 1973 provides that the provision primarily deals with the stage of taking cognizance by the Court of Session upon committal of the case and empowers it to proceed against those persons against whom material is available at that stage. However, such power is ordinarily exercised at the initial stage when the case is committed and cognizance is taken, and not after substantial progress of the trial. In the present case, it is not disputed that 31 out of 95 prosecution witnesses have already been examined. At this advanced stage, when the trial has substantially progressed, invocation of powers under Section 193 Cr.P.C. for summoning additional persons as accused would not be appropriate. However, the petitioner shall be at liberty to avail the remedy under Section 319 Cr.P.C., if during the course of trial, evidence emerges warranting the summoning of the said persons as accused.

7. In view of the above, the present petition stands disposed of accordingly.

8. Pending application(s), if any, shall also stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

12.02.2026
Shubham

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No