



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

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**CRR-2361-2025 (O&M)
DATE OF DECISION: 22.09.2025**

MANOJ KUMAR

....PETITIONER

VERSUS

STATE OF HARYANA & ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PRATAP SINGH

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

SURYA PRATAP SINGH, J.

1. Vide order dated 05.08.2025, the application moved by the petitioner/complainant, hereinafter being referred to as 'petitioner' only, under Section 319 of Code of Criminal Procedure, has been dismissed by the learned Additional Sessions Judge, Narnaul, hereinafter being referred to as 'trial Court'. Aggrieved of the abovementioned order, the present revision petition has been preferred.

2. It has been alleged by the petitioner that an error of judgment has been committed by the learned trial Court while passing the impugned order, and that the impugned order is an outcome of wrong appreciation of fact as well as evidence. According to petitioner, there were specific



allegations with regard to involvement of Bhopal, S/o Ram Chander and Mohit S/o Bhopal in the commission of crime, and that to support the abovementioned allegations, there was testimony of the petitioner on oath.

3. It has also been contended that in view of above, there was sufficient material on record for the exercise of jurisdiction vested in the learned trial Court, by virtue of Section 319 of CrPC. As per petitioner, since such jurisdiction has not been exercised and the application has been dismissed, there is need for indulgence and interference of revisional jurisdiction of this Court in the impugned order.

4. Briefly stating the facts emerging from record are that the FIR No.98 dated 09.04.2023, under Sections 323, 341, 307, 506 and 34 of Indian Penal Code, Police Station Ateli, District Mahendergarh, has been lodged on a complaint submitted by the petitioner. In the abovementioned complaint, it was alleged by the petitioner that on 04.04.2023 at about 07:20 pm, when he was going towards his tubewell on his tractor, a white coloured camper vehicle, having no number plate, blocked his way and 6-7 youngsters armed with sharp weapon got off the abovementioned vehicle and they all launched an attack upon him. According to petitioner, in the abovementioned attack, he had suffered injuries with sharp-edged weapons and rods on head and other body parts, and that his maternal uncle, while going from Village Kheri to Chapra Salimpur, arrived on the spot by chance and got him admitted in PHC Ateli.



5. In the abovementioned complaint, it was further alleged by the petitioner that he had a dispute with Bhopal S/o Ram Chander and Mohit S/o Bhopal with regard to a boundary wall, and that 6-7 days prior to incident, both of them had threatened the petitioner and proclaimed that they would eliminate him and his family members. It was specifically mentioned by the petitioner that he believed that the abovementioned incident had taken place at the instance of Bhopal and Mohit.

6. In addition to above, the petitioner had also alleged that on 28.01.2022, when he was going towards his home after attending a date in Narnaul Court with regard to a land dispute with Bhopal, his car was hit from behind and he was seriously injured.

7. Heard.

8. It has been contended by learned counsel for the petitioner that all the abovementioned facts were brought into the notice of Investigating Officer, but the Investigating Officer, despite specific averments with regard to involvement of 'Bhopal' and 'Mohit' in the commission of crime, has not prosecuted them and filed final report under Section 193 of BNSS (erstwhile Section 173 of CrPC) against other accused only. As per learned counsel for the petitioner, once the final report has been filed in the Court and after framing of charge, the statement of petitioner was recorded on oath, the same facts were reproduced by the petitioner. According to learned counsel for the petitioner, in the statement on oath before the Court also, the



petitioner specifically mentioned that 'Bhopal' and 'Mohit' were responsible for the commission of abovementioned crime.

9. The learned counsel for the petitioner has further argued that on the strength of abovementioned statement of petitioner (as PW-1), an application under Section 319 of CrPC was moved by the petitioner calling upon the learned trial Court to exercise its jurisdiction vested by virtue of Section 319 of CrPC and summon 'Bhopal' and 'Mohit' as additional accused.

10. According to learned counsel for the petitioner, the learned trial Court has failed to appreciate that there was specific averment with regard to involvement of 'Bhopal' and 'Mohit' as accused in the accused, and the abovementioned averment has been duly supported by the statement on oath. As per learned counsel for the petitioner, despite abovementioned ample evidence, the learned trial Court has wrongly observed, merely on the basis of assumptions and presumptions that no case for summoning of Bhopal and Mohit as additional accused is made out.

11. Learned counsel for the petitioner has further argued that the denial of summoning of main accused, who were the main conspirators and responsible for the commission of offence would result into miscarriage of justice, and the trial cannot be successfully conducted in their absence.

12. The record has been perused carefully.

13. In the present case, one of the most significant fact to be taken into consideration is that the entire thrust of the petitioner, while challenging



the impugned order, is upon the fact that at the first instance, he had informed the police about the involvement of Bhopal and Mohit in the commission of crime.

14. With regard to above, it is relevant to note here that the contents of the FIR itself shows that the act of causing injury has been attributed by the petitioner to some unknown persons and there is no specific allegations that at the time of attack, Bhopal and Mohit were present on the spot.

15. The another significant fact to be taken into consideration is that in the FIR, the only averment with regard to involvement of Bhopal and Mohit is that it is the belief of the petitioner that they were involved in the commission of crime. Merely a belief cannot take the place of proof.

16. One more significant aspect to be taken into consideration is that the abovementioned belief of the petitioner was founded on a plea that 6-7 days prior to the incident, he was threatened by Bhopal and Mohit. With regard to above, it is significant to note here that the date, time and place of abovementioned incident have not been specified in the FIR.

17. In addition to above, it is also relevant to note here that if any such incident would have occurred, it would have amounted to commission of an offence and for that purpose, some complaint should have been moved by the petitioner, but there is nothing on record to show that with regard to abovesaid alleged intimidation, the petitioner had filed any complaint before the Court.



18. Another relevant aspect to be taken into consideration is that the police had conducted a thorough investigation in the present case and after investigation, it had been found by the investigating agency that allegations of petitioner with regard to involvement of Bhopal and Mohit in the commission of crime are not established.

19. With regard to exercise of jurisdiction vested in the learned trial Court, by virtue of Section 319 of CrPC, the Hon'ble Supreme Court of India propounded the law in the case of '*Hardeep Singh Vs. State of Punjab*', 2014(1) RCR (Criminal) 623. It has been observed that the test to be applied is one which is more than prima facie case as exercised at the time of framing of charge, but short of satisfaction to an extent that the evidence, if goes unrebutted, would lead to conviction. In the absence of such satisfaction, the Court should refrain from exercising power under Section 319 CrPC. In Section 319 CrPC, the purpose of providing if it appears from the evidence that any person not being the accused has committed any offence is clear from the words for which such person could be tried together with the accused. The words used are not for which such person could be convicted. There is, therefore, no scope for the Court acting under Section 319 CrPC to form any opinion as to the guilt of the accused.

20. If the factual matrix of the instant case is tested on the touchstone laid down by the Hon'ble Supreme Court in the abovementioned case, it transpires that the evidence available on record fails to meet the test



meant for summoning of additional accused in the exercise of jurisdiction vested in the Court by virtue of Section 319 of CrPC.

21. In view of abovementioned observations, once there was no specific allegation with regard to presence of 'Bhopal' and 'Mohit' on the spot and with regard to conspiracy neither, there was any electronic record, nor any other evidence, it is hereby held that merely on the basis of belief of the petitioner, it cannot be held that 'Bhopal' and 'Mohit' were actually involved in hatching conspiracy in the commission of offence. Hence, it is hereby held that apparently, there is no illegality or infirmity in the exercise of jurisdiction by the learned trial Court in rejecting the request to summon 'Bhopal' and 'Mohit' as additional accused.

22. In view of above, it is hereby held that there is no merit in the present petition and the same deserves dismissal. Accordingly, the present petition is hereby dismissed.

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

22.09.2025

Gaurav Thakur

(SURYA PRATAP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No