



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

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**CRR-27-2023 (O&M)
Date of decision: 22.04.2025**

NATHI RAM

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Shiv Kumar Sharma, Advocate and
Mr. Bishnoi Abhimanyu, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Ashit Malik, Advocate for the respondents.

SANJAY VASHISTH. J.(Oral)

1. The instant petition has been filed by Nathi Ram challenging the order dated 12.12.2022, whereby his application under Section 319 Cr.P.C., seeking to summon nine persons as accused to be tried along with those already facing trial, was dismissed." Names of the proposed accused are (i) Paramjit, (ii) Saroj Bala, (iii) Sito Devi, (iv) Vijeta, (v) Bhawna, (vi) Pooja, (vii) Jatin, (viii) Nitin (ix) Nitesh.

2. As per the case of the prosecution, in the first round of investigation challan had been submitted against accused namely (i) Maan Singh, (ii) Mohinder Singh (iii) Subhash on 10.08.2021. While submitting the challan it was reported therein that (i) Paramjit, (ii) Saroj Bala, (iii) Sito Devi, (iv) Pooja and (v) Jatin are involved in the offence, whereas, (i) Vijeta and (ii) Bhawna are found to be



innocent. Since challan *qua* three of the accused (*supra*) had been submitted and proceedings started and thereupon, a supplementary challan/report was submitted on 15.11.2022 in which, it was reported that on doing re-investigation by SHO and by looking into the CCTV footage, above named persons i.e. (i) Paramjit, (ii) Saroj Bala, (iii) Sito Devi, (iv) Pooja and (v) Jatin though were found present at the place of incident, however, they had reached the spot after the incident. Therefore, it was concluded that the complainant in order to create pressure, wanted to increase the number of the accused and lastly in its report, all the proposed persons who were nominated as accused were found to be innocent.

3. While arguing application of Section 319 Cr.P.C, prosecution/complainant placed its reliance upon the CCTV footage which was there on record before the trial Court in a pendrive as Ex. P-2. The Court itself has seen the footage and then concluded that the finding, recorded by the investigating agency is true and correct. The observations made in this regard reads as under:-

In order to ascertain the facts, the CCTV footage placed on file in a pen-drive Ex.P2 were perused which show that they do not pertain to the actual incident alleged to have taken place. It shows some people present and moving from one place to another but no one can be seen attacking anyone, which corroborates the version of the prosecuting agency that although the aforesaid accused, sought to be summoned by means of the present application, are seen present at the spot, they had reached there after the incident and had not played any role in commission of the alleged offence. The finding of the investigating agency appears to be reasonable and based upon the aforesaid CCTV footage. Besides, Nitin and Nitesh, sons of Mohinder, had not even been mentioned in the original complaint nor any role has been attributed to them. Even in his examination-in-chief as PW3 the



complainant has failed to specify the role, if any, played by Nitin and Nitesh in the alleged incident. Testimony of PW3 shows that he had named Nitin and Nitesh only on the basis of the CCTV footage in which they are shown to be present. The said fact also shows that the complainant has sought to summon all the persons seen present at the place of occurrence after the incident as additional accused in the present case in an attempt to pressurize the accused party as reported by the investigating agency also in the supplementary challan/report.

4. The Hon'ble Apex Court has already settled the proposition of law in ***Hardeep Singh Vs. State of Punjab 2014 (1) R.C.R. (Criminal) 623***, that only on the basis of doubt against the proposed accused he/they should not be summoned to face the trial under Section 319 Cr.P.C. There should be some substance, to conclude that the involvement of the proposed accused in the commission of the crime is there and, such an observation must be based on the substantial material available on record. There is no material evidence/substance which could be made basis for summoning of the proposed accused and the said application has rightly been dismissed by the trial Court and this Court does not find any error in the observations made therein.

5. Accordingly, the present petition is dismissed.

(SANJAY VASHISTH)
JUDGE

22.04.2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No