

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-2468 of 2012

Date of decision:29.07.2015

Rajdeep Singh @ Deep Raj Singh Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. R.S. Cheema, Senior Advocate with Mr. R.K. Trikha,
Advocate for the petitioner.

Mr. K.S. Pannu, DAG, Punjab.

Mr. Ashok Saini, Advocate for the complainant.

Navita Singh, J. (Oral)

Mr. R.S. Cheema, Senior Advocate has fairly conceded that a Five Judge Bench of the Supreme Court passed a judgment, in view of which, the present petition is liable to be dismissed.

The backdrop of the matter here is that the petitioner challenged the order dated 12.12.2011 passed by the Sub Divisional, Judicial Magistrate, Batala in case FIR No.131 dated 9.9.2011 registered under Sections 302, 379, 148, 149 IPC and 25/27 of Arms Act at Police Station City Batala vide which order, the petitioner was summoned through warrant of arrest by the Magistrate, who, according to the petitioner, had no power to summon the accused as the offence involved was murder. The jurisdiction of the Magistrate in terms of Section 190 Cr.P.C was exceeded.

Reliance was placed on the reported case in Dharam Pal and others v. State of Haryana and another, (2014) 3 Supreme Court Cases 306, where the Supreme Court categorically laid down that Magistrate

had a role to play while committing a case to the Court of Session for proceeding against the person/s named in column 2 of the report under Section 173 Cr.P.C. The Magistrate could issue process and summon the accused on satisfaction that a case had been made out against such person and after doing the needful would commit the case to the Court of Session.

In view of the above judgment passed by the Supreme Court, prayer made in this petition is liable to be declined.

The petition is dismissed.

29.07.2015
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(NAVITA SINGH)
JUDGE