

CRM-M-23650-2015 (O&M)

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

**CRM-M-23650-2015 (O&M).
Decided on: August 10, 2015.**

Usha Rani

..... Petitioner(s)

Versus

State of Punjab and others

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Ms.Satpreet Grewal Kapila, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL)

The petitioner is a lady who was involved in a case of cheating registered at the instance of Davinder Pal Singh alleging that he had been duped by Baljinder Singh who is a proclaimed offender along with Vidya Devi, Ram Chand and the petitioner having promised to send him to New Zealand.

The Judicial Magistrate First Class, Dasuya, appears to have adopted a casual approach in summoning the petitioner as additional accused in the exercise of powers under Section 319 Cr.P.C., without following the parameters laid down in that context by a number of judgments. Merely mentioning that there is incriminating evidence against other accused, is not sufficient enough to exercise powers under Section 319 Cr.P.C.

Notice of motion to the Advocate General, Punjab .

On asking of the Court, notice has been accepted

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by Mr.S.S.Chandumajra, DAG., Punjab, present in the Court. Copy supplied.

After carefully considering the facts and circumstances of the case, order dated 24.10.2013, is hereby set aside qua the petitioner being a non-speaking order. The trial Court is directed to reconsider the application in context to the material available on the record under Section 173 (2) Cr.P.C., and the statement of complainant Davinder Pal Singh. The parameters laid down in **Michael Machado & Anr vs Central Bureau Of Investigation, 2000 (2) RCR (Crl.) 75 and Hardeep Singh Vs. State of Punjab and others Criminal Appeal No.1750 of 2008 decided on 10.1.2014**, will be taken into consideration while reconsidering the application under Section 319 Cr.P.C. It will be open to the trial Court to allow or dismiss the application after following the parameters laid down in the above said judgment.

The petition is allowed in the above terms.

August 10, 2015.
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(M.M.S. BEDI)
JUDGE