

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M 27965 of 2015

Date of Decision: August 21, 2015

Jaswinder Kaur

.....Petitioner

Vs.

Jaswant Singh and others

.....Respondents

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

-.-

Present:- Mr.Vikram Anand, Advocate
for the petitioner.

-.-

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

Petitioner is a complainant in a private complaint filed against six accused persons. The trial Court on appreciation of preliminary evidence opted to summon accused Nos.1 and 4 only. The legality and propriety of said order was questioned in a revision petition by the petitioner/complainant seeking to summon the other accused also. The revisional Court has, vide impugned order, found the summoning order defective and required the trial Court to reconsider the preliminary evidence and pass appropriate summoning order afresh.

Counsel for the petitioner submits that the summoned accused i.e. Jaswant Singh and Charan Kaur, accused No.1 and 4, respectively had not challenged their summoning order as such the revisional Court has acted illegally in setting aside the summoning order passed qua them in favour of the complainant- petitioner.

I have heard learned counsel for the petitioner and carefully appreciated the facts and circumstances of this case and I am of the opinion that since the summoning order qua Jaswant Singh and Charan Kaur had not been challenged by them and no defect had been pleaded in the summoning order, so far as the said two accused persons are concerned, the revisional Court appears to have wrongly set aside the summoning order qua them. Under the directions of the revisional Court, the trial Court has been asked to reconsider the preliminary evidence to determine the culpability of the other accused also.

The petition is disposed of with a clarification that so far as impugned order passed by the Additional Sessions Judge, Jalandhar dated February 2, 2015 is concerned, it will be deemed to be an order requiring the trial Court to determine the culpability of accused Nos. 2, 3, 5 and 6 and to pass a fresh order. The order passed qua Jaswant Singh and Charan Kaur, accused Nos. 1 and 4 will not be deemed to have been set aside vide impugned order.

August 21, 2015
sanjay

(M.M.S.BEDI)
JUDGE