

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-40837-2013(O&M)

Date of decision : 04.02.2015

Gagandeep Singh

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Arvind Singh, Advocate
for the petitioner.

Mr.Aditya Sanghi, AAG, Haryana.

Mrs.Loveleen Dhalilwal Singla, Advocate
for respondent No.2.

REKHA MITTAL, J.(ORAL)

CRM-26349-2014

Allowed as prayed for.

Annexure P16 is taken on record.

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The precise grievance of the petitioner is that the application filed for summoning him as additional accused by invoking Section 319 of the Code of Criminal Procedure was dismissed by the trial Court but the revisional Court has set aside the order passed by the trial Court without providing opportunity of hearing to the petitioner. It is further submitted that impugned order dated 20.11.2013 (Annexure P14) passed by the Additional Sessions Judge, Gurgaon in criminal revision No.63 of 2013 cannot be allowed to sustain in view of judgment of Hon'ble the Supreme

Court of India *Mohit alias Sonu and another Vs. State of U.P. and another, 2013(7) SCC 789.*

Counsel representing the State of Haryana as well as respondent No.2 are not in a position to controvert submissions made by counsel for the petitioner in view of enunciation of law laid down in the aforesaid judgment.

In view of the above, the petition is allowed, impugned order dated 20.11.2013 is set aside and the matter is remitted to the revisional Court for adjudication afresh after providing an opportunity of being heard to the petitioner.

The parties through their counsel are directed to appear before the revisional Court on 09.03.2015.

Disposed of.

(REKHA MITTAL)
JUDGE

February 04, 2015.

DK