

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-41948 of 2013 (O&M)
Date of Decision: September 21, 2015

Surjit Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.K.S.Dadwal, Advocate
for the petitioner.

Mr.B.S.Bhullar, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of impugned order dated 24.01.2013 passed by learned Addl. Sessions Judge, Hoshiarpur in case FIR No.21 dated 27.03.2010 under Sections 302, 303, 397, 34 IPC and Section 25 and 27 of the Arms Act, registered at Police Station Hazipur, District Hoshiarpur.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that in the present case, an application was filed by the prosecution under Section 319 Cr.P.C. for

summoning Chaman Lal, Ravinder Sharma, Vidya Sagar, Kewal Krishan, Ravinder Singh, Arunesh Shakar Ex.MLA, Surinder Pal Singh SHO, Dharamvir Singh DSP, Ashok Kumar and Gagandeep Sharma as additional accused, on the grounds that the present case was got registered by Surjit Singh due to murder of his son Narinder Singh. During the investigation, number of applications were moved by the present complainant before number of authorities including police, Executive Magistrate and others in which he has specifically named Chaman Lal Sharma, Ravinder Sharma, Vidya Sagar, Kewal Krishan, Ravinder Singh, Arunesh Shakar, Surinder Pal Singh SHO, Dharamvir Singh then DSP Mukerian, Ashok Kumar and Gagandeep Sahba and some of the land mafias whose names were not known to the complainant, who had conspired the murder of his son. It is the case of the complainant that police has not investigated the matter as per his statement for the reasons best known to them and particularly as some high ups were involved for conspiring murder of complainant's son. The complainant while appearing as PW-2 before the Court has specifically named all the above-said persons as main accused for conspiring the murder of his son. It is also stated in the application that even a petition has been filed before this Court for getting conducted the investigation through CBI, which is still pending.

Learned Addl. Sessions Judge, Hoshiarpur, vide impugned order dated 24.01.2013, dismissed the application under Section 319 Cr.P.C. Firstly, it is held that this Court (High Court) is seized of the matter. Otherwise also, during the investigation, the above-said

persons were never named as accused nor they were put in column No.2 of the challan nor their names figured in the investigation. It is also in the impugned order that PW-2 Surjit Singh, complainant while appearing in the witness box has stated in examination-in-chief that on 27.03.2010 his son was coming from his in laws village to his house on his vehicle make Alto. When he reached near Agro Service Centre, which is situated at a distance of 1 km. from Hajipur, his murder was committed by some unknown persons. The Court held that no specific role has been mentioned of the persons sought to be summoned.

After hearing learned counsel for the petitioner as well as learned State counsel and after going through record, especially the impugned order, first of all, I find that against the order dismissing the application under Section 319 Cr.P.C., revision petition lies and not the quashing petition under Section 482 Cr.P.C. The quashing petition under Section 482 Cr.P.C. is not maintainable.

Otherwise on merits also, it is admitted fact that the above-said persons whom the complainant PW-2 Surjit Singh wanted to get summoned, are not named in the FIR. From the record, it is clear that it is a blind murder case and nobody has seen the occurrence. Even, PW-2 Surjit Singh is not the eye witness. During the investigation, all these persons were not named nor they were found involved in any way in the murder case during the investigation. They have been kept in column No.2 in the challan. The complainant is not eye witness to the occurrence. No specific role has been attributed to these above-

said persons. The mere suspicion of the complainant is not sufficient evidence from which it can be held that it appears to the Court that these persons are involved in the commission of the offence and they should be tried together along with accused already facing trial. The complainant is putting up altogether new version while appearing as PW-2.

Furthermore, there is no other connecting evidence on record at this stage to show prima facie involvement of above-said persons in the commission of the offence.

In view of the above discussion, I find that the impugned order dated 24.01.2013 passed by learned Addl. Sessions Judge, Hoshiarpur, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

September 21, 2015
Vgulati

(INDERJIT SINGH)
JUDGE