

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No.44026 of 2014
Date of decision: 24.02.2015

Ujjagar Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.C.S.Jattana, Advocate for the petitioner.

SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' for short) challenging order dated 26.11.2014 (Annexure P1) whereby application moved by the prosecution under Section 319 Cr.P.C. to summon respondents No. 2 to 7 as additional accused, was dismissed.

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

Prosecution story, in brief, is that the complainant- Ujjagar Singh and his brother Surjit Singh had suffered a decree in favour of Baljinder Singh @ Darshan Singh, Harpreet Singh and

Jagroop Kaur qua their share in the land measuring 95 bighas 18 biswas on 23.1.1993. Complainant party was in possession of the said land. Jagroop Kaur and Harpreet Singh took loan from Punjab State Federation of Co-operative House Building Societies Ltd.. On 3.5.2005., complainant was sitting in the house of his brother Zora Singh. Then, accused including respondents No. 2 to 7 came on a Tractor raising *lalkaras* and harvested the crop belonging to the complainant party and tried to take forcible possession of the land belonging to the complainant party.

During investigation of the case, respondents No. 2 to 7 were found innocent. Trial Court, while dismissing the application under Section 319 Cr.P.C. filed by the prosecution, held that the complainant had failed to produce on record the decree dated 23.1.1993 to establish that they were owner in possession of the suit land. Admittedly, civil litigation was pending between the parties. In these circumstances, the learned trial Court rightly held that the application moved by the prosecution to summon respondents No. 2 to 7 to face the trial as additional accused was liable to be dismissed. No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

February 24,2015
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