

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

**CRR-2390-2013 (O&M).
Decided on: January 29, 2015.**

Avtar Singh @ Gogi

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

*** * ***

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

**PRESENT Mr.Deepak Bhardwaj, Advocate,
for the petitioner.**

Mr.C.S.Brar, DAG., Punjab.

**Mr.G.S.Nahel, Advocate,
for the complainant.**

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

This revision petition is preferred against the order dated 12.3.2011 passed by the Additional Sessions Judge, Patiala allowing the application under Section 319 Cr.P.C. filed by complainant Paramjit Singh to summon Baljinder Singh, Ranjit Singh and petitioner as additional accused to face trial along with other accused Jagdeep Singh etc.

The operative part of the order allowing application under Section 319 Cr.P.C, reads as follow: -

“5. Adverting to the case in hand it is pertinent to mention that at first instance proceedings were initiated at the instance of Paramjit Singh s/o Piara Singh. In his statement Paramjit Singh apart from stating about the participation of the accused who

CRR-2390-2013 (O&M)

are facing trial in the present case had also named the proposed additional accused to have participated in the occurrence in question. Specific role has been attributed to them vis-a-vis inflicting of injuries in the occurrence in question. Considering the aforesaid material and also the statement of accused Paramjit Singh got recorded in the court without dilating further on the merits of the case it is concluded that sufficient evidence is coming on record to summon Baljinder Singh @ Binder Son of Ajaib Singh, Ranjit Singh @ Jeetu son of Hardev Singh, Avtar Singh @ Gogi son of Nachattar Singh as accused to face trial in the present case. Accordingly application is allowed. Let BaljinderSingh @ Binder son of Ajaib Singh, Ranjit Singh @ Jeetu son of Hardev Singh, Avtar Singh @ Gogi son of Nachattar Singh be summoned for 2.4.2011.”

Counsel for the petitioner has relied upon the order passed in Criminal Revision No.1053 of 2011 decided on 20.7.2012 by this Court setting aside the order of summoning qua Baljinder Singh but upholding the same qua Ranjit Singh.

So far as the petitioner is concerned, his name is not mentioned in the statement of the complainant while appearing as PW.1. There appears to be no evidence brought on the record to indicate his presence at the place of crime. No specific injury has been attributed to the petitioner. There appears to be delay of two days in lodging of FIR. The petitioner claims that on account of party

CRR-2390-2013 (O&M)

faction, he has been named.

The role attributed to the petitioner is that he was found roaming along with Baljinder Singh qua whom the application under Section 319 Cr.P.C., has been dismissed by this Court while allowing the revision petition. On the principle of parity, the petitioner deserves to be treated at par with Baljinder Singh qua whom the summoning order has been set aside.

It is pertinent to observe that while issuing notice proceedings before the trial Court were permitted to proceed with a direction that final order would not be passed. The said order was passed on 27.9.2013. The proceedings faced by the petitioner were certainly subject to final decision of the present petition.

The petition is allowed. The impugned order dated 12.3.2011 summoning the petitioner as additional accused is hereby set aside.

January 29, 2015.
rka

(M.M.S. BEDI)
JUDGE