

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 2336 of 2015
Date of decision : July 08, 2015

Kulwinder Singh @ Kinda and others

...Petitioners...

versus

State of Punjab and another

...Respondents...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. S.K. Chawla, Advocate,
for the petitioners.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

JASPAL SINGH, J.

Challenge in this revision petition is to order dated May 20, 2015 whereby revisionists-petitioners have been summoned to face trial under Sections 307, 326, 325, 324, 323 and 34 IPC to stand trial along with their co-accused Onkar Singh etc.

2. While assailing impugned order, it has been argued with vehemence by learned counsel for petitioners that Id. trial court has passed impugned order in a very casual manner, even without looking into the application preferred by prosecution under Section 319 Cr.P.C. Accused-Jagsir Singh has already been charge-sheeted.

Still while highlighting his name thrice (though not mentioned) in the application under Section 319 Cr.P.C., he has been summoned to face trial. However, Jasvir Singh @ Jagmit Singh s/o Jaswant Singh is ordered to be summoned. Since summons have been issued qua Jasvir Singh @ Jagmit Singh, he has also joined as accused in the instant petition.

3. It is an undisputed fact that after having made serious, sincere, honest, cautious and open inquiries/investigation, petitioners have been found to be innocent by the investigating agency but complainant by exaggerating false version, they have been attributed certain allegations. In fact, they have never been instrumental or involved in the alleged occurrence. Since, there is no evidence brought on record by complainant except his statement as well as statement of other prosecution witnesses, which are just reiteration of the facts unfolded by them before police during investigation of this case, it can be said that there is any additional evidence, on the basis of which, they could be summoned. Moreover, impugned order is also non-speaking, unjustifiable and cryptic and deserves to be set aside.

4. This Court has given a deep thought to the aforesaid submissions made by learned counsel for petitioner and has perused documents available on file.

5. Undoubtedly, application moved under Section 319 Cr.P.C. on behalf of injured Jagtar Singh to summon Kulwinder Singh, Jagsir Singh and Iqbal Singh on the ground that there is

sufficient evidence showing their involvement in the case was dismissed vide order dated February 11, 2014. However, revision against the said order was preferred before this Court and vide order dated January 20, 2015, the said order was set aside and trial court was directed to decide application under Section 319 Cr.P.C. afresh. Thereafter, after hearing learned counsel for the parties and bestowing due consideration to the statements of witnesses and other record, application was allowed vide impugned order dated May 20, 2015, which is under challenge before this Court.

6. A perusal of impugned order as well as documents available on record reveals that there are specific allegations against Kulwinder Singh, Jasvir @ Jaswant Singh and Iqbal Singh. It has been categorically stated by complainant/injured Jagtar Singh that Iqbal Singh raised lalkara and also inflicted two sticks blows on the person of Jagtar Singh whereas Jasvir Singh @ Jaswant Singh with SOTTA and Kulwinder Singh @ Kindda having stick caused injuries to Jagtar Singh with an intention to kill him. Criminis participas of petitioners is prima facie proved on record. As such, this Court does not find any illegality or infirmity in the impugned order dated May 20, 2015. Accordingly, petition stands dismissed.

July 08, 2015

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**(JASPAL SINGH)
JUDGE**