

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : December 08, 2015

1. CRR No.2959 of 2014 (O&M)

Ashok Kumar vs State of Punjab and others

2. CRR No.317 of 2015 (O&M)

State of Punjab vs Jasbir Singh @ Fauji & another

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sarju Puri, Advocate
for the petitioner in CRR No.2959 of 2014.

Ms. Amarjit Kaur Khurana, Addl. AG Punjab
for the petitioner in CRR No.317 of 2015.

Mr. Sandeep Jain, Advocate
for respondents No.2 to 5, 7 & 8.

Mr. Dinesh Nagar, Advocate
for respondent No.6.

1. **Whether Reporters of Local Newspapers 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 ?**

Ajay Tewari, J (Oral)

This order shall dispose of CRR Nos.2959 of 2014 and 317 of 2015 as both these petitions arise from the same order.

Challenge in these petition is to the order dated 4.8.2014 passed by the Additional Sessions Judge, Shaheed Bhagat Singh Nagar declining to summon the private respondents as additional accused.

Counsel for the petitioners have argued that the trial Court has

erred in law in applying the parameters laid down in Michael Machado & another v. Central Bureau of Investigation & another 2000(2) RCR (Criminal) 75.

A perusal of the impugned order does reveal that the trial Court has applied the principles enunciated by their Lordships in Michael Machado's case (supra), which have now been read down by the Hon'ble Supreme Court in Hardeep Singh vs State of Punjab, 2014(1) Law Herald (SC) 47. In these circumstances, it has to be held that the approach of the trial Court was vitiated in law. Resultantly, these petitions are allowed, the impugned order is set aside, and the matter is remitted back to the trial Court for a fresh decision as per law.

December 08, 2015
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(AJAY TEWARI)
JUDGE