

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-3050 of 2015 (O&M)
Date of decision: 8.12.2015

Palwinder Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. JBS Gill, Advocate for the petitioner.

Rajan Gupta, J.

Petitioner has assailed order dated 30.5.2015, passed by Sessions Judge, Kapurthala, whereby he has set-aside the order passed by the trial court seeking to summon additional accused to face trial.

FIR was lodged by petitioner Palwinder Singh. He alleged that on 9.6.2010 he had gone to see his plot. At that time accused reached there and claimed that they had purchased 10 Marlas out of the said property. They also started digging the foundation. When petitioner intervened, they attacked him. Darshan Singh gave a blow with *Kirpan* and Ranjodh Singh inflicted a fist blow. There were certain eye-witnesses to the occurrence. Pursuant to complaint, FIR was registered and investigation ensued. Police challaned Nath Singh, Darshan Singh, Balbir Singh and Ranjodh Singh. During trial Jaswinder Singh son of Palwinder Singh appeared as PW5 and ascribed certain role to the private respondents namely, Lal Singh and Jasvir Singh @ Billa. On the basis of

same trial court decided to summon them to face trial. However, on a revision petition being filed before the appellate court, the order was upset.

I find no infirmity with the order passed by the revisional court. It is evident that private respondents were not named in the first version made by the complainant before the police. Merely on the basis of statement of son of the complainant, additional accused cannot be summoned to face trial. For the purpose of summoning under section 319 Cr.P.C., parameters laid down by the apex court in *Hardeep Singh Vs. State of Punjab, (2014) 3 SCC 92* require to be followed. Additional accused cannot be summoned merely on the ground that one of the witnesses names them while appearing as a witness. There ought to be some material before the court to show that additional accused were involved in the case and there is possibility of their conviction on basis of such evidence. The revision petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

8.12.2015
'Rajpal'

Whether to be referred to reporter? Yes / No