

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

CRR No. 3232 of 2015

Date of decision : 14.10.2015

Gurjit Singh @ Jeeta & ors.

....Petitioners

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Kamaljeet S. Mamrat, Advocate for the petitioners.

RAJAN GUPTA J.

Present revision petition is directed against the order dated 22.07.2015, Annexure P-1 passed by Additional Sessions Judge, Rupnagar whereby charges have been framed against the petitioners.

Learned counsel for the petitioners has impugned the order framing charge primarily on the ground that petitioners were declared innocent by the investigating agency. In view of same, charge cannot be framed against the petitioners.

Notice of motion.

On the last date of hearing, learned State counsel was asked to assist the court. Mr. Shilesh Gupta, Addl. A.G. Punjab, who is present in court, accepts notice on behalf of the respondent. He has opposed the prayer. According to him, petitioners were summoned by the trial court in exercise of power under section 319 Cr.P.C. The order attained finality as no challenge was posed to it. At the time, petitioners sought pre-arrest bail, they made a statement that they were ready and willing to face the trial.

I have heard learned counsel for the parties.

FIR was lodged on the statement of Dyal Kaur. She alleged that on 24.07.2013 at about 6.00 p.m., she was present at home alongwith other family members. At that time, accused armed with various weapons trespassed into her house. One of the accused namely Rana fired from his pistol and the shot hit the wall of the verandah. Another accused namely Tejinder Singh @ Billu (petitioner no. 3 herein) fired from his gun which also hit the wall. Co-accused entered the house and gave beatings to complainant and other persons present in the house. Petitioner no. 1 Gurjit Singh @ Jeeta also fired from his pistol during the entire episode. Accused also broke windshield of Bolero vehicle parked in front of the house. After committing the crime, all the accused fled from the spot. Pursuant to FIR, investigation ensued. Investigating agency exonerated the petitioners. During trial, however, they were summoned as additional accused by the court in exercise of power under section 319 Cr.P.C. This order attained finality. Consequently, order, Annexure P-1 was passed by the court framing charges against the accused for commission of various offences including section 307 IPC.

Plea of the petitioners that charge could not be framed against the petitioners as they were given clean chit by the police is without any merit. At the time of framing of charge, the court has to see whether prima facie case is made out or not. Besides, petitioners never posed a challenge to order passed by the court under section 319 Cr.P.C. A perusal of the FIR shows that allegations against the petitioners are serious. In view of same, there is no ground to interfere in revisional jurisdiction. Dismissed.

Ajay

JUDGE