

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.3239 of 2014 (O&M)
Date of Decision: February 12, 2015

Sumanjeet Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ashok Kumar Khunger, Advocate
for the petitioner.

Mr.S.S.Chandumajra, Deputy Advocate General, Punjab
for the respondent-State.

Mr.Kameshwar Gumber, Advocate
for respondents No.2 and 3.

Mr.R.K.Singla, Advocate
for respondent No.4.

INDERJIT SINGH, J.

Petitioner has filed this revision petition under Section 401 Cr.P.C. challenging the order dated 22.08.2014 passed by learned Addl. Sessions Judge, Fazilka vide which application under Section 319 Cr.P.C. filed by the prosecution has been dismissed.

Notice of motion was issued in this case and learned State counsel as well as learned counsel for respondents No.2 to 4 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

As per the record, the challan has already been presented against seven accused Sukhwinder Singh etc. Now, the application has been filed by the prosecution under Section 319 Cr.P.C. to summon Lajinder Singh, Baldev Singh and Sukhjit Singh.

The FIR in the present case has been got registered by Sumanjeet Singh complainant and the present respondents No.2 to 4 were named in the FIR and injuries were also attributed to them. During investigation, Lajinder Singh, Baldev Singh and Sukhjit Singh were found innocent and they were kept in column No.2.

Though the order dated 22.08.2014 is not supported by cogent reasons but at the time of arguments, it has been brought to the notice of this Court that after addition of Section 307 IPC in the present FIR, earlier also an application was filed to summon present private respondents No.2 to 4 before the Magistrate and learned JMIC, Fazilka summoned all of them to face trial along with other accused. Then revision was filed before learned Addl. Sessions Judge, Fazilka and vide judgment dated 27.07.2012, the revision was accepted and the summoning order was set aside. That judgment has not been challenged before this Court and has become final.

Now, the prosecution has filed second application to summon respondents No.2 to 4 on the same grounds and on the basis of same evidence. Second time, no changed circumstances have been shown. Therefore, the second application on the similar facts is not maintainable.

In view of the above discussion, I find that the application

under Section 319 Cr.P.C. has been correctly dismissed. The order dated 22.08.2014 passed by learned Addl. Sessions Judge, Fazilka is upheld, though on other grounds also.

Therefore, finding no merit in the present petition, the same is dismissed.

February 12, 2015
Vgulati

(INDERJIT SINGH)
JUDGE