

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

CRR No.4243 of 2014

Date of Decision: February 09, 2015

Malkiat Singh @ Baljeet Singh

.... Petitioner

vs.

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Jagjit Gill, Advocate for
Mr. Gurmeet Singh Saini, Advocate for the petitioner.

- 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?*

Kuldip Singh J.(Oral)

Learned counsel for the revisionist has contended that the application filed by the present revisionist under Section 319 of the Code of Criminal Procedure, 1973, for summoning Sukhbir Singh @ Kaka, Kulwinder Singh and Sodhi (respondent Nos.2 to 4) as co-accused to face trial, was dismissed by the trial court, vide order dated 07.10.2014.

A perusal of the impugned order shows that during the investigation, respondent Nos.2 to 4 were found innocent. The allegations against them are that Sukhbir Singh @ Kaka was armed with revolver and Kulwinder Singh and Sodhi were present behind Sukhbir Singh @ Kaka. In this way, the mere presence was alleged with no overact attributed to them.

In these circumstances, the trial court was justified in coming to the conclusion that there was no sufficient material on file on the basis of which respondent Nos.2 to 4 could be convicted, even if the allegations are proved on merits. The powers under Section 319 Cr.P.C. should not be exercised lightly. There must be sufficient and cogent reasoning.

Once, the trial court has given its opinion that the allegations against respondent Nos.2 to 4 cannot be proved and they cannot be convicted, I am of the view that there is no error or illegality in the impugned order dated 07.10.2014 passed by the trial court.

Hence, the present revision petition is dismissed.

February 09, 2015
sarita

(KULDIP SINGH)
JUDGE