

CRR No. 813 of 2014

Date of decision: January 20, 2015

Jagtar Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA**Present:** Mr. Gaurav Singla Advocate
for the petitioner.Mr. V. P. S. Sidhu, Assistant AG, Punjab
for respondent No.1-State.Ms. Kanika Sachdeva, Advocate for
Mr. Deepinder Brar, Advocate
for respondents No.2 to 4.**SABINA, J**

Petitioner has filed this petition challenging the order dated 11.02.2014 whereby an application moved by the prosecution for summoning respondents No.2 to 4 as additional accused under Section 319 of the Code of Criminal Procedure was dismissed.

Learned counsel for the petitioner has submitted that a perusal of the impugned order reveals that the trial Court was influenced with the fact that the names of respondents No.2 to 4 had been disclosed for the first time by PW Jagtar Singh while appearing in the witness box whereas when the statement of Jagtar Singh was recorded by the Police, he had specifically named respondents No.2 to 4 and their role at the time of occurrence was specifically defined in the said statement.

Learned counsel for respondents No.2 to 4 has opposed the petition.

Para 4 of the impugned order reads as under;

“In this case prosecution has examined PW-1 Veerpal Singh and PW-2 Jagtar Singh, no doubt Jagtar Singh first time in the Court has disclosed the names of persons whose names have been mentioned in the application under Section 319 Cr.P.C. but when we gone through the statement of complainant Devinder Singh as well as FIR and other statements of the witnesses recorded under Section 161 Cr.P.C., then it is clear that none of the witness has disclosed the namers of the aforesaid persons, whose names have been mentioned in the application under Section 319 Cr.P.C. It is clear that Jagtar Singh son of Ranjit Singh has disclosed the names of the aforesaid persons by appearing in the Court but other witnesses do not say even an iota of word against the aforesaid persons. So under these circumstances, I do not find sufficient ground to allow the application to summons the aforesaid accused as additional accused. So accordingly present application is dismissed. Case is adjourned to 28.03.2015 for prosecution witnesses. PWs be summoned for the date fixed.”

The trial Court has dismissed the application moved by the prosecution under Section 319 Cr.P.C. for summoning respondents No.2 to 4 as additional accused, on the presumption that the names of respondents No.2 to 4 were not disclosed in the FIR or by the other witnesses when their statements were recorded under Section 161 Cr.P.C. However, statement of Jagtar Singh injured recorded by the Police on 14.04.2012 has been placed on record as Annexure A-1. Presual of the same reveals that names of respondents No.2 to 4 have been duly disclosed by PW Jagtar Singh and specific role has been attributed to the said respondents. It appears that at the time of passing of the impugned order, the statement of PW Jagtar Singh recorded by the Police on 14.04.2012 was not brought to the notice of the trial Court.

Accordingly, impugned order dated 11.02.2014 is set aside. Trial Court is directed to pass a fresh order in accordance with law.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

January 20, 2015

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