

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 683 of 2015 (O/M)
Date of decision : 26.2.2015

Gurdev Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ajay Pal Singh Rehan, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Challenged in the present complainant's revision is the order dated 9.1.2015, passed by the learned Additional Sessions Judge, (A) Gurdaspur, in which the order dated 18.3.2013 (Annexure-P-3), passed by the learned Additional Chief Judicial Magistrate, Gurdaspur, has been challenged, vide which the order passed by the learned Additional Chief Judicial Magistrate, Gurdaspur, was reversed, whereby Joginder Singh was summoned under Section 319 Cr.P.C. to face trial under Sections 326, 324, 323 IPC.

Suffice to say that the learned Additional Chief Judicial Magistrate, Gurdaspur, passed a brief order, saying that the name of

the summoned accused finds mentioned in the FIR as well as in the statement of the complainant. Therefore, Joginder Singh was summoned on the application filed under Section 319 Cr.P.C. to face trial alongwith co-accused. It is not denied that during investigation, Joginder Singh was found innocent.

A perusal of the statement of the complainant shows that the role attributed to Joginder Singh is that he alongwith other four co-accused came holding a *dang* and thereafter raised a *lalkara*. All the injuries are attributed to other co-accused. The learned Additional Sessions Judge, (A) Gurdaspur, while discussing the case law on the point, has come to the conclusion that the evidence of the complainant will not end in conviction of the accused, who is sought to be summoned. Joginder Singh was found innocent during the investigation done by the police. There is a growing tendency in the villages to rope in as many as persons of the opposite party, despite the fact that no injury was attributed to them. There is no ground to interfere with the impugned order dated 9.1.2015, passed by the learned Additional Sessions Judge, (A) Gurdaspur, reversing the order dated 18.3.2013, passed by the learned Additional Chief Judicial Magistrate, Gurdaspur.

Accordingly, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

26.2.2015
sjks