

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

**CRM-M No.14878 of 2012**

**Date of Decision:25.02.2016**

**Gurdev Singh and others**

**.....Petitioners**

**Versus**

**State of Punjab and another**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.**

- 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?**

**Present: Mr.S.P.S.Sidhu, Advocate, for the petitioners.**

**Mr.Lovinder Safat, AAG, Punjab.**

**Mr.Naresh Kumar Manchanda, Advocate,  
for respondent No.2.**

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**KULDIP SINGH, J.(oral)**

Petitioners are seeking quashing of complaint No.598-1 dated 05.07.2007, titled as "Rajinder Pal Singh Versus Karaj Singh etc." as well as summoning order dated 30.03.2010 passed by the trial Court.

I have heard learned counsel for the parties, and have gone through the file carefully.

It comes out that on the basis of same facts, an FIR was registered, in which, the present petitioners were kept in column No.2 in the report filed under Section 173(2) Cr.P.C. During the trial, the

complainant filed an application under Section 319 Cr.P.C., in which, the trial Court summoned the above-noted petitioners (except Kartar Singh) to face the trial.

Petitioners No.1 to 9 challenged the order before this Court. The complainant also filed a cross-revision petition bearing CRR No.2575 of 2010, whereby, he challenged the order of the lower Court, whereby, it refused to summon Kartar Singh, petitioner No.10. The said petition came up for hearing before this Court on 01.12.2010. This Court vide a detailed order dismissed the said revision petition of the complainant requesting for summoning Kartar Singh and allowed the petition bearing CRR No.1884 of 2010 of remaining petitioners and set aside the summoning order qua them. It further comes out that thereafter, the trial went on. During the trial, the complainant filed the present complaint. Learned Additional Sessions Judge, Ferozepur, vide judgment dated 31.03.2011 (Annexure P-6) acquitted the accused of the charges framed against them. The appeal bearing No.CRM-A-555-MA of 2011 against their acquittal was dismissed by a Division Bench of this Court on 05.02.2013. As per the print-out supplied by the learned counsel for the petitioners, SLP filed before the Hon'ble Supreme Court against that order was also dismissed on 19.07.2013. It goes to show that the innocence of the present petitioners in the previous trial has become final. Therefore, they cannot be summoned and tried again on the basis of same facts.

Accordingly, the present petition is allowed and complaint No.598-1 dated 05.07.2007, titled as "Rajinder Pal Singh Versus

Karaj Singh etc.” and the summoning order dated 30.03.2010 along with all the consequential proceedings arising therefrom stand quashed.

**(KULDIP SINGH)  
JUDGE**

February 25, 2016  
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