

CRM-M No. 16451 of 2014

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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 16451 of 2014

Date of decision : August 23, 2016

Gurdeep Singh

..... Petitioners

Versus

State of Punjab and another

..... Respondent

CRM-M No. 29716 of 2014(O&M)

Mann Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present:- Mr. Sandeep Arora, Advocate and
Ms. Jatinderjit Kaur, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG., Punjab.

Mr. Sutikshan, Advocate
for respondent No.2.

AJAY TEWARI, J (oral).

These petitions have been filed against the order dated 27.9.2012 (Annexure P-4). Respondent No.2 had filed a complaint against the petitioners. After the preliminary evidence the court summoned the petitioners under Sections 323, 324, 148 and 149 IPC. The respondent No.2 filed a revision petition which has been allowed and the petitioners have been summoned under Section 307 IPC also.

The grievance of the learned counsel for the petitioners is

that before passing the summoning order, no notice was issued to the petitioners. They have relied upon the judgment in Manharibhai Muljibhai Kakadia and another Vs. Shaileshbhai Mohanbhai Patel and others 2012 (4) RCR (Criminal) 689 wherein the Supreme Court held that it was necessary to summon the accused before exercising the revisional power.

Learned counsel appearing on behalf of the respondents is not in a position to cite any contrary case law.

Keeping in view the decision of Supreme Court in Manharibhai Muljibhai Kakadia's case (supra), I have no other option but to set aside the order.

The impugned order dated 23.12.2013 (Annexure P-5) is set aside. The matter is remanded back to the revisional court for fresh decision as per law.

The Criminal Miscellaneous Petitions stand allowed.

The parties through their counsel are directed to appear before the Revisional Court on 26.9.2016.

(AJAY TEWARI)
JUDGE

August 23, 2016
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Whether speaking/reasoned	Yes
Whether Reportable	No