

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-19305-2015

Date of Decision:- 23.08.2016

**Ashok Kumar @ Sadhu Ram and others**

**....Petitioners**

**Versus**

**State of Punjab and another**

**....Respondents**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

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

**Mr. A.P.S. Gill, AAG, Punjab.**

**Mr. Kamaljeet Singh Sidhu, Advocate  
for respondent No.2.**

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**RITU BAHRI, J. (Oral)**

Petitioners have filed the present petition for quashing of order dated 28.04.2015 (Annexure P-2) passed by the learned Additional Sessions Judge, Bathinda whereby they have been summoned as additional accused under Section 319 Cr.P.C. in case FIR No.83 dated 27.06.2008, registered under Sections 498-A and 406 IPC at Police Station Rampur, District Bathinda and for upholding the order dated 12.02.2013 (Annexure P-1) passed by the learned SDJM, Phul, vide which the application under Section 319 Cr.P.C. has been dismissed.

After hearing the learned counsel for the parties, the facts not in dispute are that the trial Court has dismissed the application for summoning the present accused, vide order dated 12.02.2013 (Annexure P-1) on the ground that mere statement made by the witnesses was not sufficient to summon the accused persons to face the trial. There has to be some evidence which would indicate the complicity of the persons, who are sought to be summoned.

On a revision filed against the said order, the Court of Additional Sessions Judge, has allowed the said application instead of remanding the matter back to the trial Court to reassess the evidence and then to pass the appropriate orders, which the revisional Court has not done in the present case.

Therefore, the present petition is disposed of and the impugned order dated 28.04.2015 (Annexure P-2) is hereby set aside. The matter is remitted back to the trial Court to pass fresh order after appreciating the evidence in the right perspective and keeping in view the guidelines as laid down by Hon'ble the Supreme Court in case **Hardeep Singh vs. State of Punjab and others, 2014 (3) SCC 92.**

August 23, 2016  
naresh.k

( **RITU BAHRI** )  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |