

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 22539 of 2014

Date of decision : August 23, 2016

Manmohan Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present:- Mr. Atul Goel, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG., Punjab.

Mr. Bikram Chander, Advocate
for the complainant.

AJAY TEWARI, J (oral).

This petition has been filed against the order dated 17.2.2014 (Annexure P-10) whereby the petitioners have been summoned under Section 319 Cr.P.C in FIR No. 22/2008 dated 9.2.2008 registered under Sections 379, 447, 34 IPC Police Station Sarabha Nagar, Ludhiana.

Learned counsel appearing on behalf of the petitioners states that apart from the merits of the case the order dated 17.2.2014 (Annexure P-10) is completely a non-speaking order and a reading thereof does not indicate the reasons which may have weighed in the mind of the Court to come to the conclusion that the petitioners were required to be summoned under Section 319 Cr.P.C.

I have gone through the order, it is indeed so. Learned

Deputy Advocate General, Punjab and counsel appearing on behalf of the complainant are also not in a position to show that as to why the trial court summoned the petitioners under Section 319 Cr.P.C.

Keeping in view the decision of Hon'ble Supreme Court in Hardeep Singh Vs. State of Punjab 2014 AIR (SC) 1400, I have no other option but to set aside the order.

The order dated 17.2.2014 (Annexure P-10) is set aside. The trial court is directed to decide the application afresh in accordance with law.

The Criminal Miscellaneous Petition stands disposed of.

(AJAY TEWARI)
JUDGE

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