

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-27414 of 2011 (O&M)

.....

Date of decision:27.7.2016

Labh Singh and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. S.C. Chhabra, Advocate for the petitioners.

Mr. D.S. Virk, Assistant Advocate General, Punjab
for the respondent-State.

Mr. G.S. Latheri, Advocate for Mr. L.S. Sidhu, Advocate for
respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of order dated 13.5.2010 (Annexure-P.3) passed under Section 319 Cr.P.C. by the learned Judicial Magistrate Ist Class, Budhlada summoning the petitioners to face their trial for the offences under Sections 148, 326, 324, 323 read with Section 149 IPC and order dated 15.4.2011 (Annexure-P.4) passed by the learned Additional Sessions Judge, Mansa, affirming the said order.

Notice of motion was issued in this case.

Mr. D.S. Virk, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. G.S. Latheri,

learned Advocate appearing for Mr. L.S. Sidhu, Advocate has appeared for respondent No.2 and contested this petition.

I have heard learned counsel for the parties and learned Assistant Advocate General, Punjab and have gone through the record.

The main argument of the learned counsel for the petitioners is that while deciding the criminal revision petition, the learned Additional Sessions Judge decided the same in the absence of learned counsel for the revision petitioners. The learned counsel further argued that the grounds which were taken in the revision petition were not considered.

A perusal of the record shows that in FIR No.24 dated 19.2.2004 registered for the offences under Section 326, 325, 324, 323, 148 and 149 IPC, an application was filed under Section 319 Cr.P.C. by the complainant for summoning Labh Singh, Sukhwinder Singh and Mandeep Singh. The learned Judicial Magistrate Ist Class, Budhlada, vide order dated 13.5.2010 summoned Labh Singh and Mandeep Singh. The application qua Sukhwinder Singh was dismissed. Labh Singh and Mandeep Singh challenged that order before the learned Additional Sessions Judge, Mansa, but neither the petitioners nor counsel for the revision petitioners appeared before the learned Additional Sessions Judge, Mansa and as per law the learned Additional Sessions Judge, Mansa vide order 25.4.2011 after going through the record found no illegality in the order and dismissed the same. Aggrieved from these orders passed by the learned Additional Sessions Judge and learned Judicial Magistrate Ist Class, this petition for quashing of the same has been filed.

From the record and also from the arguments, I find that all the PWs have already been examined in the present case. Secondly, in the FIR as well as in the statement injury has been attributed to Labh Singh with 'Takua' which hit the complainant on his left thumb. Medical evidence corroborates this injury. Mandeep Singh is also named in the FIR and injury of 'Ghop' blow to Sadhu Singh on the left side of chest is attributed to him.

At the time of summoning the additional accused under Section 319 Cr.P.C., it should appear to the Court that the persons to whom the prosecution wants to summon as additional accused are involved in the commission of the offences and they should be tried along with the accused already challaned.

From the record, I find no illegality in the summoning order passed by the learned Judicial Magistrate Ist Class, Budhlada. Similarly, no illegality has been committed by the learned Additional Sessions Judge, Mansa by dismissing the revision petition. In no way, it can be held that opportunity has not been given to the learned counsel for the revision petitioners by the learned Sessions Court. The revision petitioners have filed the revision petition and then they absented from the proceedings.

Moreover, all the PWs have already been examined and the trial is complete. Therefore, from the above discussion, finding no merit in the present petition, the same is dismissed.

July 27, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No