

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-33978 of 2015

Date of decision: February 24, 2016.

Arun Kumar

... **Petitioner**

v.

State of Punjab and others

... **Respondents**

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

Present: Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

Mr. Rajat Malhotra, Advocate for respondent No.2.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

Impugned in the present petition is the order dated 19.3.2015 passed by Additional Sessions Judge, Ludhiana, vide which, on a revision filed by Sanjiv Goyal complainant, the order passed by the trial court under Section 319 cr.P.C. refusing to summon Arjun Kumar and Vijay Kumar, was reversed and said Arjun Kumar and Vijay Kumar were ordered to be summoned under Section 319 Cr.P.C. to face the trial.

It comes out from the impugned order (Annexure P-8) that in the revision, said Arjun Kumar and Vijay Kumar, who were sought to be summoned as additional accused, were not made party.

Present petition is filed by Arun Kumar only. In these circumstances,

the present petition is allowed on the short ground that Arjun Kumar and Vijay Kumar were not heard before the impugned order was passed. Consequently, the impugned order is set aside. Case is remanded to the court of learned Additional Sessions Judge, Ludhiana. The learned Additional Sessions Judge is directed to issue notice to the persons who are sought to be summoned as additional accused under Section 319 Cr.P.C., hear them and thereafter pass the order on merits.

The petition is allowed to the above extent.

February 24, 2016.
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[Kuldip Singh]
Judge