

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRM-M-34957-2015**

**Date of Decision: September 15, 2016**

Balbir Chand and another

...Petitioners

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

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

Mr. Jashanpreet Singh, AAG, Punjab.

Mr. D.S. Malwai, Advocate,  
for the complainant.

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**M.M.S. BEDI, J (Oral)**

The petitioners have been summoned by the Additional Sessions Judge in the exercise of powers under Section 193, Cr.P.C. in the light of jurisdiction explained vide judgment in **Dharam Pal and others v. State of Haryana and another**, 2013 (3) R.C.R. (Criminal) 787. Similar petition filed by the co-accused of the petitioner, namely Kapil Dev and another, has been allowed on 28.08.2015. In the said order, it was held that in the circumstances of the present case, the propriety demanded

that the Court should have waited for the material witnesses to depose and later on to exercise the power under Section 319 Cr.P.C. to summon additional accused.

Without expression of any opinion on merits at this stage, this petition is allowed in terms of order of this Court passed qua co-accused Kapil Dev and another in CRM-M No.17519 of 2015 decided on 28.08.2015 and the order dated 06.04.2015 is set aside without prejudice to the right of the prosecution/complainant to move appropriate application under Section 319 Cr.P.C. at an opportune time.

**(M.M.S. BEDI)**  
**JUDGE**

**September 15, 2016**  
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**Whether Speaking/Reasoned : Yes/No**

**Whether Reportable : Yes/No**