

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-40645 of 2015 (O/M)
Date of decision : 7.1.2016

Lovepreet Singh

..... Petitioner

Versus

Balkar Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Bhardwaj, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Impugned in the present petition is the order dated 13.5.2015 (Annexure-P-2), passed by the learned Additional Sessions Judge, Patiala, affirming the order dated 25.11.2014 (Annexure-P-1), passed by the learned Judicial Magistrate 1st Class, Patiala, vide which only respondents/accused No. 1 to 4 were summoned to face trial under Sections 323, 325 IPC read with Section 34 IPC on the complaint filed by the petitioner/complainant. The grouse of the petitioner/complainant is that respondents/accused No. 5 and 6 have not been summoned.

I have heard the learned counsel for the petitioner and have also carefully gone through the file.

It comes out that in the complaint, there were vague

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allegations that on 5.10.2012, when the second incident took place, respondents/accused No. 1 to 4 committed the crime in connivance with accused/respondents No. 5 and 6. But, there was no, prima-facie, evidence of the connivance. However, in the statement before Court, the petitioner/complainant made major improvements by stating that respondent No. 5, namely, Dr. Gian Chand, who happens to be a doctor, was driving the car. The evidence was appreciated and after considering the allegations levelled in the complaint, summoning of accused No. 5 and 6 was refused. The matter has already been tested in the revision before the learned Additional Sessions Judge, Patiala. There is no illegality in the findings recorded by both the Courts below.

Learned counsel contends that at the stage of summoning, only prima-facie case is to be seen and the chances of conviction and acquittal are not to be examined.

However, in this case, to examine the prima-facie case, the contents of the complaint are also to be seen, which are contrary to the statement made by the petitioner/complainant before the Court.

Hence, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

7.1.2016
sjks