

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-572 of 2014 (O&M)
Date of decision: February 27, 2016

Davinder Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. SPS Sidhu, Advocate for the petitioner.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.
Mr. Mohinder Kumar, Advocate for respondent No.2.
None for the complainant.

Rajan Gupta, J.(oral)

Petitioner has posed a challenge to the order dated 17.05.2013, passed by the trial court, whereby the court has taken cognizance of the offences alleged to have been committed by the petitioner and summoned him to face trial.

Learned counsel for the petitioner has assailed the order. According to him, the matter was sent for further investigation. However, investigating agency came to the same conclusion and submitted a cancellation report. Despite this, the trial court proceeded to summon the petitioner to face trial without adhering to the procedure.

Learned State counsel has opposed the prayer. According to him, there is no legal infirmity with the order. The Magistrate has merely exercised his powers under section 190 (1) (b) of the Code.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the complaint of one Kulwinder Singh. He stated that he had gone to meet his cousin brother namely, Gurmel Singh, a property dealer. Said person took him in his car to Mohali to show some land. At that time, accused accompanied by 9/10 other persons came there and assaulted Gurmel Singh. They abducted him and took him away. Petitioner raised alarm. Later, Gurmel Singh was recovered. After complaint was lodged, investigation ensued. The investigating agency, however, submitted a cancellation report. Vide order dated 17.05.2013, the trial court directed that further investigation be carried out. On further investigation, the investigating agency struck to its stand and again submitted a cancellation report. The trial court relied upon a report submitted by Superintendent of Police (Crime), Ludhiana, who inquired into the matter. Said report indicted the accused. On this basis, trial court decided to summon the accused to face trial purportedly in exercise of powers under section 190 (1) (b) Cr.P.C. I find no infirmity with the order.

Dismissed.

Nothing said herein shall, however, be construed to the opinion of the court on merits.

(RAJAN GUPTA)
JUDGE

February 27, 2016
'Rajpal'