

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

**Criminal Misc.No.M-5768 of 2016
Date of Decision: February 18, 2016**

Baldev Singh

....Petitioner

Versus

State of Punjab & Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Deepak Arora, Advocate,
for the petitioner.

Naresh Kumar Sanghi, J.(Oral)

Challenge in the present criminal revision petition is to the order dated 15.12.2015 (Annexure P-4) passed by learned Additional Sessions Judge, Gurdaspur, whereby the criminal revision petition filed by respondent Nos.2 to 4 challenging the order dated 08.10.2015 (Annexure P-3) passed by learned Judicial Magistrate First Class, Batala, summoning them as additional accused under Section 319, Cr.P.C., in a case arising out of FIR No.66 dated 27.06.2011, for the offences punishable under Sections 324 and 326, IPC, registered at Police Station, Sekhwan, District Batala, was allowed.

Learned counsel contends that bare reading of the First Information Report (Annexure P-1) would reveal that the respondents, Surjit Kaur wife of Santokh Singh and Ravinder

Kaur and Davinder Kaur in connivance with their brother, Lakhbir Singh and father Santokh Singh had caused injuries to Baldev Singh petitioner/informant. He further submits that learned Revisional Court has gone wrong in disbelieving the version put forth by the petitioner.

I have heard learned counsel for the petitioner and with his able assistance gone through the material available on record.

Concededly, there were two injuries on the person of Baldev Singh, viz. (i) incised wound on the middle finger of the left hand and (ii) complain of pain on the left side of his back. Both injuries were attributed to Lakhbir Singh and Santokh Singh respectively who are already facing trial. The medical evidence available on record would contradict that the respondents, Surjit Kaur, Ravinder Kaur and Davinder Kaur, had inflicted kick blows on Baldev Singh. During investigation, the petitioner attempted to improve his version by projecting that the injury on his person was grievous so that the offence punishable under Section 326, IPC, could be added. On scrutiny by the police, it was found that the injury projected under Section 326, IPC, was manufactured one and as such, Section 326, IPC, was deleted. It was also found during investigation that just to widen the array of the accused, the

petitioner had named Surjit Kaur wife of Santokh Singh and Ravinder Kaur and Davinder Kaur, who are daughters of Santokh Singh and sister of Lakhbir Singh accused, who are already facing trial. During decision of the application under Section 319, Cr.P.C., learned trial Court though opted to summon the private respondents but while revising the said order, learned Additional Sessions Judge found the allegations to be false and as such, accepted the revision petition and discharged the private respondents. After scrutiny of the whole record, this Court also finds that the allegations against the petitioners to be summoned as additional accused are not sufficient so that the finding can be recorded that more than prima facie case is made out to summon the additional accused. In the matter of **Hardeep Singh** vs. **State of Punjab & Ors,** **2014(1) RCR (Criminal) 623**, Hon'ble the Supreme Court held that if on the basis of material available on record, the Court finds that more than prima facie case is made out then only additional accused can be summoned. In this case, the informant has miserably failed to complete the said parameters.

No ground for interference by this Court is made out.

Dismissed.

February 18, 2016
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(Naresh Kumar Sanghi)
Judge