

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 1459 of 2015
DECIDED ON: May 16, 2016

SUCHA RAM AND OTHERS

.....PETITIONERS

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Present: Mr. ADS Sukhija, Advocate,
for the petitioners.

Mr. K.S. Pannu, DAG, Punjab.

Mr. Nitesh Singhi, Advocate,
for the respondent-complainant.

JASPAL SINGH, J. (ORAL)

Challenge in this revision petition is to the order dated March 21, 2015 passed by the Additional Sessions Judge, Fatehgarh Sahib whereby petitioners have been summoned to stand trial as additional accused under Sections 304, 323 read with Section 34 IPC, in case FIR No. 122, dated 23.08.2014, Police Station Sirhind, vide which an application moved by the prosecution under Section 319 Cr.P.C. has been allowed.

2. It is an undisputed fact that the petitioners were found innocent during investigation of the case and the challan was presented

only against Mukhtiar Singh etc., who have since been charge-sheeted and are facing trial.

3. A close scrutiny of the impugned order dated March 21, 2015 reveals that the petitioners have been summoned to face trial as additional accused simply on the ground that the co-accused of the petitioners are facing the trial for the commission of the same offence. The analogy adopted by Id. trial court is against the settled canons of law because while disposing of an application under Section 319 Cr.P.C., it is to be seen whether there is some evidence brought on record by the prosecution on the basis of which, there is a case which is more than a *prima facie* case and less than of conviction as observed by the Hon'ble Apex Court in “**Hardeep Singh vs. State of Punjab and others; 2014 (3) SCC 92.**”

4. The instant case does not fall within the parameters of aforesaid case. Rather, it can be said that after the petitioners were found innocent by the investigating agency there is no additional evidence brought on record by the prosecution on the basis of which application under Section 319 Cr.P.C. could be allowed.

5. Hence, the impugned order dated March 21, 2015 is not sustainable in the eyes of law. Accordingly, the same is set aside by way of acceptance of instant revision petition.

May 16, 2016
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(JASPAL SINGH)
JUDGE