

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

CRR-326 of 2015 (O&M)

Date of decision: March 17, 2015

Lovepreet Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Anoop Kumar, Advocate for
Mr. Amit Arora, Advocate for the petitioners.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.
Mr. P.S. Goraya, Advocate.

Rajan Gupta, J.

Present revision petition emanates from an order dated 3.9.2014, passed by Additional Sessions Judge, Tarn Taran, whereby petitioners have been summoned under section 319 Cr.P.C. to face trial.

Learned counsel for the petitioners submits that after due inquiry conducted by the higher police officers, the petitioners were found to be innocent. He submits that there are no specific allegations against the petitioners. Thus, the summoning order is liable to be quashed.

Plea has been opposed by the State counsel. He submits that PW-1 Jagir Singh while appearing before the trial court has levelled specific allegations against the petitioners and thus, the trial court has rightly summoned them under section 319 Cr.P.C.

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

It appears, FIR No.91 dated 16.5.2012 was lodged at the instance of Sawinder Singh under sections 307, 427, 148, 149, 120-B IPC and 25/27/54/59 of Arms Act at Police Station Sadar, Tarn Taran against six persons namely, Jagir Singh, Balar Singh, Jassa Singh, Gurwinder Singh, Gurinder Singh and Gulzar Singh. Thereafter, Rapat No.41 dated 22.5.2012 was registered against the complainant party i.e. the petitioners and others under sections 307, 427, 148, 149 IPC. However, during investigation petitioners were exonerated by the police and in the report submitted under section 173 Cr.P.C., they were kept in column No.2. During trial, statement of Jagir Singh PW-1 was recorded, who deposed that on 16.05.2012 at about 10.30 AM when he was cutting *Barseen* crop, Sawinder Singh, Tarsem Singh and Didar Singh came and assailed complainant party. Sadhu Singh raised *Lalkara*, Balwinder Singh was armed with 12 bore double barrel gun and Gurpreet Singh alias Love Preet Singh was driving tractor on which accused had come at the spot. In this way, Lovepreet Singh, Sadhu Singh and Balwinder Singh (petitioners herein) had active participation in the crime. In view of his statement, prosecution moved application under section 319 Cr.P.C. which was allowed by the trial court vide order dated 3.9.2014.

I find no reason to differ with findings of the court below. The complainant at the time of lodging complaint with the police had made specific allegations against the petitioners, but they were kept in column No.2 by the police. While deposing in court, PW-1 Jagir Singh

again reiterated the allegations against all the three petitioners and therefore, petitioners have been rightly summoned by the trial court under section 319 Cr.P.C. to face trial. Thus, I find no infirmity with the order passed by the trial court. Revision petition is without any merit.

Dismissed.

(RAJAN GUPTA)
JUDGE

March 17, 2015
'Rajpal'