

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.241 of 2016 (O&M)****Date of Decision: January 21, 2016**

Balwinder Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vikram Preet Singh Arora, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Balwinder Singh against State of Punjab, challenging the impugned order dated 28.10.2015, vide which the application under Section 319 Cr.P.C. filed by the prosecution to summon Balwinder Kaur, Avtar Singh and Amarjeet Kaur was dismissed.

I have heard learned counsel for the revision petitioner and have gone through the record.

From the record, I find that the prosecution wants to summon Balwinder Kaur, Avtar Singh and Amarjeet Kaur in case FIR No.185 dated 30.10.2014 under Sections 306, 506 and 34 IPC registered at Police Station Shambu.

The perusal of the record shows that all the above-said persons have not been named in the FIR. The FIR has been

registered on the statement of Balwinder Singh, who while appearing in the Court as PW-1 has specifically named these persons i.e. Balwinder Kaur, Avtar Singh and Amarjeet Kaur but when he gave the statement before the police, which is Ex.PA, he has not got recorded any fact or involvement of any of these persons nor they are named in the FIR.

Further, it is also clear from the record that a suicide note has been recovered in the present case and in the suicide note, names of these persons have not been mentioned. Mere statement of Balwinder Singh in the Court as PW naming private respondents, is not sufficient to summon them, specially in view of the suicide note not naming these persons. As per the suicide note written by the deceased Bhupinder Singh, he has named only Garja Singh and Raj Rani and challan has been presented against these two accused.

Learned Addl. Sessions Judge, Patiala by discussing all these facts and law on the point, finding no merit, dismissed the application under Section 319 Cr.P.C.

The perusal of the impugned order shows that no illegality has been committed by learned Addl. Sessions Judge, Patiala while passing the impugned order. In no way, the order passed by the Court below can be held as against the evidence or law. As per Section 319 Cr.P.C., it should appear to the Court that the person to whom the prosecution wants to summon as additional accused, is involved in the commission of the offence and he is to be tried along with the accused already facing the trial. From the perusal of the

record, it does not appear that the above-said three accused i.e. Balwinder Kaur, Avtar Singh and Amarjeet Kaur are involved in the commission of the offence.

Therefore, finding no merit in the present revision petition, the same is dismissed.

January 21, 2016
Vgulati

(INDERJIT SINGH)
JUDGE