

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

109

**C.R.R No.2778 of 2016 (O&M)
Date of Decision : 09.08.2016**

Sandeep Singh and another

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Akashdeep Singh, Advocate
for the petitioners.

AJAY TEWARI, J. (Oral)

This petition has been filed against the order dated 21.07.2016 summoning the petitioners under Section 319 Cr.P.C. in a trial of cross-version recorded in respect of FIR No.93 dated 21.06.2014, registered under Sections 302, 324, 148, 149 IPC and Section 25 of the Arms Act, at Police Station Majithia, District Amritsar.

As per the original FIR Gurjit Singh (complainant in the

cross version) alongwith other persons had attacked Gurbir Singh and Hardeep Singh and Lovejit Singh-respondent No.2 had fired a shot and killed Hardeep Singh. It is not disputed that during this transaction about 13 injuries were caused to the petitioners as well and from the other side the police implicated two persons (apart from the deceased) and placed the petitioners in Column No.2. The application under Section 319 Cr.P.C. having been allowed the petitioners are before this Court.

Learned Counsel for the petitioners has argued that in this case the cross version was recorded after 15 days which provided Lovejit Singh-respondent No.2 with enough time to plant and match the injuries with the alleged acts.

The Court below however noticed that specific attribution had been made by Lovejit Singh-respondent No.2 and the attribution made by him match the injuries and consequently allowed the petition. At this stage it is not possible for this Court to either accept or reject the contention of learned counsel for the petitioners that time between the occurrence and the recording of the version provided ample opportunity or not. No doubt the prosecution will have to explain the delay but at this stage it cannot be said that the delay was used in the manner being suggested by the learned counsel for the petitioners. Moreover, the

also vague and general as reflected in the inquiry report (Annexure P-5). In my opinion, the case of the petitioners is covered by the dictum of the Supreme Court in the case of ***Hardeep Singh v. State of Punjab, (2014) 3 SCC 92***. Consequent, the trial Court cannot be held to be faulted for summoning them.

Petition is dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

August 09, 2016
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(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No