

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

CRL. MISC. No.M-36979 OF 2010 (O&M)
DATE OF DECISION : 24th APRIL, 2017

Gurnam Singh

.... Petitioner

Versus

Mahant Puran Dass & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. K. S. Hissowal, Advocate for the petitioner.

Mr. Neeraj Sharma, Advocate for respondents No.1, 3 and 6.

Mr. J. S. Jaidka, Advocate for respondent No.2.

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A. B. CHAUDHARI, J. (ORAL)

Heard learned counsel for the rival parties.

In a private complaint case, filed by the petitioner, the trial Court had issued summoning order to the accused persons. The summoning order was challenged before the revisional court and the revisional court set aside the summoning order. Undoubtedly, the order made by the revisional court does not make out any sense as the revisional court has not dealt with the facts involved in the case and rather written a general poem which is not acceptable.

In that view of the matter, since the matter is pending in this Court from the year 2010, I have decided myself to go through the record with the assistance of the counsel for the parties. There is no point in making order of remand, which would delay the proceedings. The complainant Gurnam Singh has examined witnesses C-1 to C-7. On the

record the petitioner has produced the depositions recorded during preliminary evidence of C-2 to C-7. I have gone through their depositions. Their depositions clearly show that it was the petitioner Gurnam Singh who told them that there was theft in his shop that was committed by the accused persons. Looking to the evidence of Gurnam Singh, which has been read over to me by learned counsel for the petitioner, Gurnam Singh stated in his preliminary evidence that he came to know from the watchman Ram Bahadur that the theft was committed by the accused persons. In other words Gurnam Singh is not an eye witness and attributes his knowledge from Ram Bahadur. The other witnesses attribute knowledge from Gurnam Singh. The petitioner has filed an affidavit of Ram Bahadur before the trial Court but he was not examined by the trial Court in support of his case.

In that view of the matter, there is no evidence on record to issue summoning order by taking cognizance of maintainable offences. Though the order made by the revisional court sans any reasons required by law, fact remains that there is no evidence produced by the petitioner for prima facie proving his case.

In the result, I find no merit in this petition and the same is, therefore, rejected.

24th APRIL, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No