

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

**CRM No.M-38052 of 2015(O&M)
Date of Decision: August 30, 2017**

Lakhwinder Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rajesh Kapila, Advocate
for the petitioner.

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab
for the respondent-State.

Mr.S.P.S.Sidhu, Advocate
for respondents No.2 and 3.

INDERJIT SINGH, J.

Petitioner Lakhwinder Singh has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab, Hira Singh and Paramjit Singh for quashing the impugned judgment dated 07.08.2015 passed by learned Addl. Sessions Judge, Ferozepur, vide which the revision petition filed by respondents No.2 and 3 against the summoning order dated 19.11.2014 passed by learned Judicial Magistrate Ist Class, Ferozepur, was allowed.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondents No.2 and 3 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that a complaint was filed by Lakhwinder Singh against Gurpreet Singh, Dalip Singh, Hira Singh and Pamma under Sections 302, 307, 336, 34 IPC and Section 25 and 27 of the Arms Act. Learned JMIC, Ferozepur, on the basis of preliminary evidence, summoned the accused under Sections 302 and 34 IPC read with Section 25 and 27 of the Arms Act vide order dated 19.11.2014. Aggrieved from this order, a revision was filed by Hira Singh and Paramjit Singh @ Pamma before the Court of Session and learned Addl. Sessions Judge, Ferozepur, vide judgment dated 07.08.2015 accepted the appeal and set aside the summoning order dated 19.11.2014 passed by learned JMIC, Ferozepur.

Aggrieved from the above-said judgment dated 07.08.2015, present petition has been filed by the complainant.

From the record, I find that judgment passed by learned Addl. Sessions Judge, Ferozepur, is correct and as per law. Two of the accused are already facing trial in the FIR case. The complainant has also filed the complaint on the similar facts for summoning other two accused as the police in the FIR case, has found those accused as innocent. It is admitted at the time of arguments that in the FIR case, during the trial, an application under Section 319 Cr.P.C. was filed for summoning additional accused whose names have been kept in column No.2 but that application has been dismissed upto this Court. Learned Addl. Sessions Judge, Ferozepur relied upon the law laid down by the Hon'ble Supreme Court in ***Jile Singh vs. State of U.P. and another, 2012 (1) RCR (Criminal) 583***, in which it is

separate complaint is not maintainable. It is further held that a person named in the FIR in murder case, but charge-sheet not filed by the police, such a person cannot be summoned as accused on private complaint filed by aggrieved person under Section 200 Cr.P.C. The person could be summoned by following the procedure under Section 319 Cr.P.C.

In view of the law laid down by the Hon'ble Supreme Court, I find that the judgment dated 07.08.2015 passed by learned Addl. Sessions Judge, Ferozepur, is correct, as per law and does not require any interference from this Court.

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

August 30, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No