

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-132-2011 (O&M) and
CRR-216-2011 (O&M)
Date of decision: August 29, 2017.

Sukhdev Singh
Gurmit Singh and others

... **Petitioners**

v.

State of Punjab

... **Respondent**

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

Present: Shri R.K. Girdhar, Advocate and
Shri J.S. Mehndiratta, Advocate for the petitioner(s).

Ms. Samina Dhir, Deputy Advocate General, Punjab.

A.B. Chaudhari, J.

In both these petitions, the petitioners therein have put to challenge the order dated 26.11.2010 passed learned Additional Sessions Judge, Muktsar by which the petitioners in both these petitions have been summoned as additional accused by the trial court after exercising power under Section 319 Cr.P.C.

Learned Counsel for the petitioners submitted that in both these petitions, the trial court illegally and wrongly passed the impugned order in exercise of power under Section 319 Cr.P.C. According to them, the petitioners in fact were the persons who had helped the government in bringing to book the real accused persons. Learned Counsel for the petitioners then submitted that merely relying on the evidence of the witness

PW4 Vinod Kumar, DSP, the trial court could not have issued summons to the petitioners as additional accused.

Per contra, Learned Counsel for the State opposed the petition and submitted that looking at the evidence of PW4 Vinod Kumar, the trial court rightly issued the summons to the accused and therefore, prayed for dismissal of the petitions.

Heard learned Counsel for the rival parties. I have perused the evidence of PW4 Vinod Kumar on the basis of whose testimony the trial court issued the summons to the petitioners. The trial court had recorded the following reasons for making the impugned order:-

“3. ... The agreement by Sukhdev Singh, the DFSC, Muktsar was signed with Sukhwant Singh accused on 29.11.01 whereas licence in the name of Sukhwant Singh was issued on 5.12.01 and at that time, Sukhwant Singh was not authorized to sign the agreement with the department due to lack of licence. ...”

“5. In view of the FIR and testimony of PW4 Vinod Kumar DSP who was also cross examined by the accused, it is prima facie established that all the above named accused namely Jaspal Singh, Sonia and Gurmit Singh in connivance with Sukhdev Singh, DFSC misappropriated alleged paddy stock for the crop year 2001-2002 and forged and used retirement deed in such a way as to destroy evidence with intention to screen real offenders and they are liable to face trial u/s 120-B, 409, 406, 467, 468/471 IPC and u/s 13(1)(d) read with Section 13 (2) of the Prevention of Corruption Act, 1988. Hence, accused

*Jaspal Singh, Sonia, Gurmit Singh and Sukhdev Singh, DFSC
be summoned throughailable warrants to face trial under
above sections. ..”*

In view of the above reasons, and in the light of evidence of PW4 Vinod Kumar, I am satisfied that the trial court made no mistake in summoning the petitioners as accused since there is overt act on the part of the petitioners in respect of the crime. In the result, I find no merit in the petitions. Both the petitions are dismissed. The interim order is vacated.

The trial court is directed to proceed the trial and complete the same as early as possible and in any case within a period of 10 months from today.

August 29, 2017.

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**[A.B. Chaudhari]
Judge**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No