

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Revision No.2435 of 2016

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Date of decision:27.10.2017

Kulwinder Singh

...Petitioner

v.

State of Punjab and another

...Respondents

....

(2) Criminal Revision No.3949 of 2016 (O&M)

.....

Raghbir Singh alias Chuhar Singh

...Petitioner

v.

State of Punjab and another

...Respondents

....

(3) Criminal Revision No.355 of 2017

.....

Manjinder Singh alias Manna and another

...Petitioners

v.

State of Punjab and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Gautam Dutt, Advocate for the petitioner in Cr. Revision
No.2435 of 2016.

Mr. Bhupinder Kumar Gupta, Advocate, Legal Aid Counsel for

the petitioner in Cr. Revision No.3949 of 2016.

Mr. Bhupinder Kumar Gupta, Advocate for the petitioners
in Cr. Revision No.355 of 2017.

Mr. Ayush Sarna, Assistant Advocate General, Punjab for
the respondent-State.

None for respondent No.2.

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Inderjit Singh, J.

This order will dispose of the above mentioned three criminal revision petitions filed under Section 401 Cr.P.C. challenging the impugned order dated 11.3.2016 passed by learned Additional Sessions Judge, Jalandhar, whereby the petitioners have been summoned under Section 319 Cr.P.C. to face trial along with other accused.

Notice of motion has been issued in these cases.

Mr. Ayush Sarna, learned Assistant Advocate General, Punjab has put in appearance on behalf of respondent-State and contested these revision petitions.

I have heard learned counsel for the petitioners and learned State counsel and have gone through the record.

After going through the record, I find that the challan had been presented against Dharam Pal etc. in FIR No.22 dated 11.2.2012 registered for the offences under Sections 307, 326, 325, 324, 323, 295, 148 and 149 IPC and Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Sadar Jalandhar, Distt. Jalandhar. During the trial an application was filed by the prosecution under Section 319 Cr.P.C. seeking summoning of Kulwinder Singh,

Property Dealer, Piara Singh, Manna, Jassa, Chuhar Singh and Paramjit Singh as additional accused. It has been stated in the application that the complainant has been examined in this case. She has specifically attributed the role played by all the above said persons in the commission of offence and there is sufficient evidence for summoning of all the aforesaid persons as accused and prayed that all the aforesaid persons may be summoned as accused.

The learned Additional Sessions Judge, Jalandhar vide impugned order dated 11.3.2016 summoned all these accused by stating that the complainant has made a statement which also confirmed the allegation which she had earlier made on the basis of which the present FIR was registered. The learned Additional Sessions Judge found sufficient grounds to summon all the above accused in view of the categoric allegations made against them and the application was allowed.

I have gone through the FIR. In the FIR, complainant-Daljit Kaur has stated that there is 10 acres of land of Punjab Wakf Board on which they had constructed a Bhagwan Balmiki Mandir and a Dharamshala over there. They had also installed their Nishan Sahib. For the last so many months, Kulwinder Singh-Property Dealer of Jalandhar along with members of land mafia had been trying to usurp this 10 acres of land. They had also been threatening with life. On that day, the complainant along with Tarsem Lal, Rajinder Kaur, Ram Lubhaya, Bachan Nath, Ranjit Kaur, Samuel Masih were present in the above said land. In the meantime, abovesaid property dealer Kulwinder Singh armed with a Datar, Piara Singh armed with a

Kirpan, Chuhan Singh empty handed, Harnek Singh armed with a Datar, Paramjit armed with a Kirpan, Sarpanch Dharampal alias Sabi, Mohinder Pal alias Ginda, Vicky and Sunny armed with Kirpans, Alias Masih armed with a Datar, Gabbar and Buntty armed with Kirpans, Bhinda and Manni came there with common intention. Baldev Singh, Tony, Sunny and Anu also came there with common intention. Immediately after coming, above said Piara Singh raised a Lalkara by the name of caste to teach a lesson for entering into confrontation with Sardars and Bhagwan Balmiki Mandir be demolished. All these Jats uprooted the Nishan sahib and stepped forward to demolish the Mandir. They stopped them from doing so. They attacked them with their respective weapons with an intention to kill them. With their respective weapons they seriously injured Tarsem Lal, Rajinder Kaur, Ram Lubhaya, Bachan Nath, Ranjit Kaur, Samuel Masih. After arranging the vehicle, the injured were sent to Civil Hospital, Jalandhar. These assailants also demolished the Bhagwan Balmiki Mandir. They also slaughtered live cocks while uprooting Nishan Sahib because of which religious sentiments of their Balmiki community were hurt. They had attacked with a view to usurp their said 10 acres land and to humiliate their caste and to show it as low. In the presence of the police officials also, these members of land mafia threatened with life. The Police present at the spot acted as mute spectators.

The complainant in the Court has also named all these additional accused and the role attributed to them.

At the time of arguments, even it has been brought to my notice

that more than 10 persons had received injuries and there are MLRs of these persons. Some of the injured had fractures, incised wounds etc.

At the stage of summoning, it should appear to the Court that there is evidence that these accused persons had also acted in the commission of the offence and they should be tried along with the other accused.

Keeping in view the evidence on record, I find that it appears to the Court that these persons were involved in the commission of the offence and they should be tried along with the other accused. Standard of proof for summoning as additional accused under Section 319 Cr.P.C. is required somewhat more than a *prima facie* case. The impugned order passed by the learned Additional Sessions Judge is correct as per evidence and law. No illegality has been committed by the Court below by summoning the present revision petitioners as additional accused.

From the above discussion, I find no merit in these revision petitions and the same are dismissed.

October 27, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No