

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

Crl. Misc. No.M-8076 of 2017

Date of Decision: March 30, 2017

Gursewak Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Nikhil Bhatia, Advocate
for the petitioner.

Amol Rattan Singh, J. (Oral)

By this petition, the order dated 09.08.2016 passed by the learned trial Court, by which the application filed by the petitioner under Section 319 Cr.P.C. was dismissed, and the order of the revisional Court dated 03.02.2017, upholding the order of the trial Court, have been challenged.

The said application was filed seeking to summon one Amrik Singh as an accused in FIR No.143 dated 21.10.2009, registered at Police Station Jhabhal, District Tarn Taran, for the alleged commission of offences punishable under Sections 323, 324, 325, 148, 149 IPC and Sections 25, 54, 59 of the Arms Act. The said Amrik Singh, after having been named in the FIR, was placed in column no.2 by the investigating agency, in the report filed under Section 173 Cr.P.C.

The learned trial Court, as also the revisional Court, after having considered the entire facts of the case, have dismissed the application.

Learned counsel for the petitioner submits that Amrik Singh having been initially named in the FIR and also in the testimonies of the prosecution witnesses, the investigating agency, as also the Courts below, have wholly mis-appreciated his involvement in the occurrence.

It is seen that Amrik Singh is stated to be the younger brother of the prime accused, Madan Singh, and is stated to have entered the house of the complainant along with Madan Singh and the other co-accused armed with a .12 bore gun. Thereafter, he has been attributed a 'lalkara' in the FIR. Other than that, no overt role actually inflicting any injury upon anyone on the side of the complainant is seen to be attributed to him.

Obviously, the chances of his having simply been roped in cannot be ruled out and in view of the fact that the investigating agency also placed him in column no.2 after investigation was carried out and the Courts below have taken the view that he cannot be summoned as an accused in the aforesaid background, I see no reason to interfere with the orders of those Courts.

However, nothing observed herein above shall be construed to be a comment by this Court on the merits of the case against or for those being tried by the trial Court.

Consequently, this petition is dismissed.

March 30, 2017
vcgarg

(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: no