

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

CRR No.1299 of 2017

Date of Decision: 15th September, 2017

Amanpreet Singh @ Prince

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Raman Singh Dhanda, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl. A.G. Punjab.

FATEH DEEP SINGH, J.

Through this invocation by way of revision petition under Section 401 Cr.P.C, the petitioner has sought to stall the proceedings arising out of FIR No.106 dated 27.06.2015 under Sections 307,326,324,323,201,427,148,149 IPC and Sections 25,54,59 of Arms Act registered at Police Station Morinda, District Roopnagar including orders dated 09.01.2017 whereby, an application under Section 319 Cr.P.C was moved for summoning of the petitioner as an additional accused.

Upon hearing learned counsel for the petitioner and State and perusing the records, the document first in point of time is the statement of the complainant Rupinder Singh, wherein the name of the petitioner has been mentioned as Prince son of Baljinder Singh and has

been attributed a definite role while armed with Kirpan with other accused, all armed with deadly weapons and which forms contents of the FIR, in pursuance of which case has been registered against 08 accused and which allegations have been reiterated in the testimony of the complainant while stepping into the witness box before the Court as PW1. Furthermore, as has been pointed out by the learned State counsel that during the course of investigations certain recoveries have too been effected from various accused. Law on this point has been well laid down as has been relied upon by even the trial Court while allowing the application under Section 319 Cr.P.C in *Hardeep Singh vs. State of Punjab and others 2014 (1) RCR (Criminal) 623* and which position of law could not be displaced by the learned counsel for the petitioner, wherein, the Lordships have laid down the tests to be applied while exercising powers under Section 319 Cr.P.C. Since from the evidence on records at the time of investigations and subsequent thereto at the trial, it appears that the petitioner along with his co-accused have committed crime in question and, thus, prima facie therein case is made out against him and, thus, by all means is prima facie guilty of commission of offence. Mere fact as has sought to be asserted by the learned counsel for the petitioner that he has been falsely implicated and the evidence against him is not sufficient enough certainly do not impress this Court. These arguments, thus, needs to be brushed aside and in the light of what has been detailed and discussed above, no ground to show indulgence by this Court is made out. The impugned order is certainly legal and valid and needs to be upheld. The present revision petition being devoid of any merits stands dismissed.

Trial Court to proceed ahead into the matter as per law.

Records of the trial Court be sent back immediately.

(FATEH DEEP SINGH)
JUDGE

September 15th, 2017

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No