

108

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

CRR No.1456 of 2017

Date of decision: April 25, 2017

Gurbhej Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Khulbhushan Soi, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the petitioner.

There is a challenge to the order dated 18.03.2017 rejecting the application under Section 319 of the Code of Criminal Procedure, 1973 for summoning additional accused Mohinder Singh and Gurjant Singh for the reasons stated in Para 8 of the order. I quote the same hereunder:-

“8. An appraisal of the aforesaid statement in juxtaposition to the above referred law of the Hon'ble Supreme Court, this Court observes that there is no evidence which shows prima-facie complicity of Mohinder Singh and Gurjant Singh who are the son and relative of accused Balbir Singh. No strong and cogent evidence has come on record to summon Mohinder Singh and Gurjant Singh as additional accused. The main allegations of the FIR are against accused Balbir Singh who is facing trial. The injuries are all gun shot injuries as per the medical on the file and it is also the allegation of Gurbhej Singh that

Balbir Singh alone had fired at them when they had gone to enquire while Balbir Singh had cut the electric connection from the transformer. There is no allegation against the proposed accused that they had any role to play in firing although it is alleged that Mohinder Singh, the proposed accused was armed with Kirpan. There is no allegation of kirpan having been used by Mohinder Singh nor injury is attributed to him and it is simply stated that he was standing and abusing. So far as proposed accused Gurjant Singh is concerned, it is alleged that he was passing cartridges to his father.”

I agree with the above reasons.

Petition stands dismissed.

(A.B. CHAUDHARI)
JUDGE

April 25, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No