

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

**CRL. REVISION No.2270 OF 2017 (O&M)  
DATE OF DECISION : 4<sup>th</sup> JULY, 2017**

**Bachitar Singh**

**.... Petitioner**

**Versus**

**State of Punjab**

**.... Respondent**

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

\* \* \* \*

Present :     Ms. Satinder Kaur, Advocate for the petitioner.

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**A. B. CHAUDHARI, J. (ORAL)**

Notice of motion.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab accepts notice  
on behalf of the State.

Rule.

Heard forthwith with consent of learned counsel for the  
parties.

There is challenge to the impugned order dated 02.03.2017  
passed by learned ASJ, Moga, vide which the trial Court has exercised  
the power under Section 319 Cr.P.C. and issued accused summons to the  
petitioner who was placed in column No.2 of the challan.

With the assistance of the learned counsel for the petitioner I  
have gone through the evidence of PW-5 HC Jaswant Singh so also the  
FIR. Reading of both, in tandem, clearly shows that the trial Court was  
fully justified in summoning the petitioner as additional accused in  
exercise of powers under Section 319 Cr.P.C. as the FIR at the first

instance itself shows the overt act on the part of the petitioner being at the spot with Nishan Singh along with 15 bags containing 34kg 75grams poppy husk each and they ran away on seeing the police party. But the petitioner being known to the Head Constable was named in the FIR itself. The evidence recorded before the Court below shows the same thing. Prima facie, the decision of the Constitution Bench of the Apex Court in the case of *Hardeep Singh Versus State of Punjab & others, 2014 (1) RCR (Criminal), 623* would apply as the parameters laid down in that case are met with. In that view of the matter the impugned order is legal, correct and proper and needs no interference. Hence, the revision petition is dismissed.

4<sup>th</sup> JULY, 2017  
'raj'

(A. B. CHAUDHARI)  
JUDGE

|                            |     |    |
|----------------------------|-----|----|
| Whether speaking/reasoned: | Yes | No |
| Whether Reportable:        | Yes | No |