

**In the High Court of Punjab and Haryana, at Chandigarh**

**Criminal Revision No. 2298 of 2017**

**Date of Decision: 04.09.2017**

Iqbal Singh

... Petitioner(s)

Versus

The State of Punjab

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Shekher Dhawan.**

Present: Mr. Charanjit Singh Bakshi, Advocate  
for the petitioner(s).

**Shekher Dhawan, J.**

Present revision petition is for setting aside the impugned order dated 6.3.2017, whereby application under Section 319 Cr.P.C. was accepted by the Court of learned Additional Sessions Judge, Ferozepur and petitioner-Iqbal Singh was ordered to be summoned to face trial for the commission of offences punishable under Sections 302, 307, 323, 148 IPC read with Section 149 IPC.

Learned counsel for the petitioner contended that apparently, first information report, available with the police, was based on incorrect facts and subsequently Special Investigating Team was constituted and in compliance of that Deputy Superintendent of Police (Investigation), Ferozepur had conducted enquiry at the instance of Deputy Inspector General of Police, Ferozepur Range, Ferozepur and submitted his report, which is available on file as Annexure P2. Some witnesses were examined

during the enquiry proceedings before the Deputy Superintendent of Police

and on that basis report was submitted that Iqbal Singh was not actually involved in the commission of offences.

Subsequently, in this case injured Gurbhej Singh was examined and his statement was recorded on oath as PW.1 before the learned Court below, wherein specific role of Iqbal Singh was detailed. As per PW.1-Gurbhej Singh, Iqbal Singh was present at the spot along with his co-accused and had actively participated in the commission of offences. He was duly armed with *dang* and had raised *lalkara* and on that statement, the learned Court below has passed the impugned order for summoning of petitioner as an additional accused under Section 319 Cr.P.C. There is no ground to disbelieve the statement of PW.1-Gurbhej Singh, at this stage, while deciding the application under Section 319 Cr.P.C. in comparison to the statements recorded by the Deputy Superintendent of Police at the time of SIT proceedings and the learned trial Judge has rightly passed the impugned order dated 6.3.2017. Thus, the present petition is without any merit and the same stands dismissed.

Nothing said here-in-above shall be construed to be an expression of opinion on the merits of the case.

(Shekher Dhawan)  
Judge

September 04, 2017

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No