

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

**CRR No.309 of 2017 (O&M)
Date of Decision: September 25, 2017**

Raj Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: None.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Raj Singh against respondents State of Punjab and Satnam Singh, challenging the impugned order dated 03.11.2016 passed by learned Addl. Sessions Judge, Bathinda, vide which the application filed by the prosecution under Section 319 Cr.P.C. was allowed.

I have gone through the record myself as none has appeared on behalf of the petitioner.

From the record, I find that challan was presented against accused Amandeep Kaur and Sunita @ Kali in case FIR No.78 dated 15.09.2015 under Sections 306, 506 and 34 IPC. During the trial, an application has been filed under Section 319 Cr.P.C. by the prosecution for summoning Head Constable Raj Singh as additional accused to face trial along with co-accused. Learned trial Court after going through the evidence

on record, accepted the application vide impugned order dated 03.11.2016 and Head Constable Raj Singh was summoned under Section 319 Cr.P.C.

Learned Addl. Sessions Judge, Bathinda, found that complainant Satnam Singh in his deposition made before the Court as well as in his first version, had made specific and categoric allegations against Raj Singh, which was quite serious. The Court further held that it seems that Raj Singh was not challaned as accused only because of the fact that he being police official, was having some clout in police circle but now, when the complainant while appearing as CW-1 has again reiterated allegations against Raj Singh, then the Court deems it fit to exercise its extra ordinary powers under Section 319 Cr.P.C. and Head Constable Raj Singh was ordered to be summoned as additional accused to face trial along with other accused already challaned.

The perusal of the record shows that in the application it is stated that present case has been registered on the statement of Satnam Singh, who specifically and categorically stated that Head Constable Raj Singh used to come to accused Kali @ Sunita and he threatened complainant's son Rajwant Singh that in case he will stop his wife Amandeep Kaur to go to above said Kali @ Sunita, he would break his legs and on the basis of abetment given by Head Constable Raj Singh, Sunita @ Kali and Amandeep Kaur, son of the complainant namely Rajwant Singh ended his life by consuming some poisonous substance.

The perusal of the impugned order shows that specific evidence has been produced before the Court qua role played by Head Constable Raj Singh. It is settled law that for summoning additional accused, it should

appear to the Court from the evidence before it that the additional accused

whom the prosecution wants to summon is also involved in the commission of the offence and should be tried along with the other accused, who are already challaned. From the perusal of the impugned order, I find that no illegality has been committed by learned trial Court while summoning the present petitioner as additional accused.

In view of the above discussion, I find that the impugned order dated 03.11.2016 passed by learned Addl. Sessions Judge, Bathinda, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

September 25, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No