

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

CRR-4502-2017

Date of decision:-20.12.2017

Rajdeep Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.P.P.S. Brar, Advocate
for the petitioners.

H.S. MADAAN, J.

This revision petition is directed against the order dated 10.10.2017 passed by the Court of learned Additional Sessions Judge, Faridkot vide which she had summoned petitioners – Rajdeep Singh and Labh Singh under Section 319 Cr.P.C. as additional accused to face trial along with the accused already facing trial.

Briefly, stated, facts of the case as per prosecution story are that on 16.6.2016 in the morning one DevinderSingh had demolished the *pahi* with tractor and the complainant side had reported the matter at Police Station Jaitu; that on the next day at about 11:30 a.m. before noon, Rajdeep Singh armed with a daang, Jagsir Singh armed with a daang, Devinder Singh armed with a revolver, Rajinderpal Singh armed with a

revolver and Labh Singh armed with a daang came on a tractor driven by Devinder Singh and started demolishing *pahi* raising lalkaras; that when the complainant side asked them not to do so, then Labh Singh gave a daang blow hitting Sahib Singh on his back, Jagsir Singh gave a daang blow on back of Gulzar; that when complainant Sukhpreet Singh and his brother Jaspreet Singh tried to intervene, then Rajdeep Singh hurled abuses and exhorted Devinder Singh and Rajinderpal Singh to fire shots at them; that thereafter Devinder Singh fired a shot from his revolver towards Jaspreet Singh with an intention to kill him but he escaped; that then Rajinderpal Singh fired another shot from his revolver towards complainant Sukhpreet Singh with an intention to kill him hitting him on the inner side of his right thigh; that the complainant fell down and raised alarm; that thereafter Rajinderpal Singh and Devinder Singh fired several shots in air from their weapons and then all the assailants ran away from the spot on tractor towards the house of Rajdeep Singh. Formal FIR No.61 dated 17.6.2017 for the offences under Sections 307, 323, 34 IPC and 27 of the Arms Act was registered with Police Station Jaitu, District Faridkot on the basis of statement of the complainant Sukhpreet Singh. The matter was investigated.

After completion of investigation, however only Rajinderpal Singh, Devinder Singh @ Buta Singh and Jagsir Singh were sent up to face trial. Accused Rajinderpal Singh had expired and proceedings against him stood abated vide order dated 29.4.2017.

During the trial, statement of complainant Sukhpreet Singh was recorded wherein he specifically named the present petitioners and

deposed about their role in the incident as stated by him in his statement to the police earlier.

Thereafter, an application under Section 319 Cr.P.C. was filed, which was allowed by the trial Court vide order dated 10.10.2017 and the petitioners felt aggrieved by the said order approached this Court by way of filing of the present revision.

Such petitioners – Rajdeep Singh and Labh Singh pray that the revision petition be accepted, the impugned order passed by the trial Court be set aside and application under Section 319 Cr.P.C. be dismissed.

I have heard learned counsel for the petitioners besides going through the record and I find that there is no merit in this revision petition.

In his statement recorded with the police by complainant Sukhpreet Singh on the day of incident itself, Rajdeep Singh and Labh Singh are specifically named and part played by them in the incident has been narrated, though as a result of investigation they were not challaned. However, during the trial when the complainant reiterated his version as given in the statement to the police, the trial Court vide a well reasoned order in light of latest law on the subject recorded its considered opinion that there was very likelihood that the trial may end up in conviction of accused Rajdeep Singh and Labh Singh, that is objective as well as subjective satisfaction of the trial Court and reason for arriving at the said conclusion has been given.

The law is well settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an

illegality or infirmity apparent on the face of the judgment/order passed by a Court below or the same is perverse. Merely because another view in the matter is possible, no inference with such judgment is to be done.

In view of the above discussion, no infirmity or illegality in the impugned order is found to be there, which might have warranted interference by this Court while exercising the revisional jurisdiction. Resultantly, the revision petition stands dismissed.

Copy of the order be sent to the trial Court for information and necessary action.

20.12.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No