

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.5079 of 2017
and
Criminal Revision No.561 of 2017

.....

Date of decision:17.2.2017

Pal Singh alias Gurpal Singh and another

...Petitioners

v.

State of Punjab and another

Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. P.K.S. Phoolka, Advocate for the petitioners.

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Inderjit Singh, J.

Cr. Misc. No.5079 of 2017:

For the reasons mentioned in the criminal miscellaneous application, the delay of 59 days in filing the revision petition is condoned.

The criminal miscellaneous application stands disposed of.

Cr. Rev.561 of 2017:

This criminal revision petition has been filed under Section 401 Cr.P.C. against the impugned order dated 17.9.2016 passed by learned Additional Sessions Judge, Bathinda, vide which application filed under Section 319 Cr.P.C. for summoning of Pal Singh and Amrik Singh sons of Buta Singh as additional accused to face trial along with accused Gurnam Singh and others has been allowed and Pal Singh and Amrik Singh have

been ordered to be summoned as additional accused to face trial for the offences punishable under Sections 302, 307, 506 read with Section 34 IPC and Section 27 of the Arms Act.

I have heard learned counsel for the petitioners and have gone through the record.

From the record, I find that an application was filed under Section 319 Cr.P.C. for summoning Pal Singh and Amrik Singh as additional accused. It has been stated in the application that these additional accused are also named in the FIR. They were armed with 'Gandasas' and they also took active participation in the commission of the offences, therefore, they should also be summoned. The prosecution has examined Rakesh Sidhu-complainant (PW-1), who has deposed as per prosecution version. I have gone through the impugned order dated 17.9.2016 passed by the learned Additional Sessions, Bathinda. As per the prosecution version, Gurnam Singh and Buta Singh armed with .12 bone guns, Pal Singh and Amrik Singh armed with 'Gandasas' were standing on the road and they were uttering abuses to Binder Singh that he was playing deck at high voice near to their houses and they tried to pacify them for leaving the matter and in the meantime Buta Singh fired a shot with his .12 bone gun on Gurjit Singh with an intention to kill him, which hit on right side of his chest and he fell on the road and Raju Singh tried to run away and Gurnam Singh fired a shot with his .12 bore gun on Raju with an intention to kill him and thereafter, they ran away with their respective weapons after raising 'Lalkara'.

[3]

The learned Additional Sessions Judge after discussing the evidence and the facts of the case has rightly summoned Pal Singh and Amrik Singh as additional accused.

From the FIR as well as the statement of the complainant, the petitioners were also stated to be present on the road along with weapons and 'Lalkara' has also been attributed to them. For summoning additional accused, it should appear to the Court that persons so wanted to be summoned are also involved in the commission of the offences and they should be tried along with the accused already challaned.

From the record, I find that no illegality has been committed by the learned Additional Sessions Judge while summoning the petitioners as additional accused.

Therefore, from the above, finding no merit in this petition, the same is dismissed.

February 17, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No