

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

122

CRM-M No.20084 of 2018

Date of Decision: May 11th, 2018

Paramjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Mohit Rampal, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this petition is to the order dated 09.04.2018 passed by the learned Additional Sessions Judge, Amritsar, by which revision petition preferred by the petitioner against the order dated 04.01.2018 passed by the learned Judicial Magistrate Ist Class, Ajnala, whereby an application under Section 319 Cr.P.C. preferred by the prosecution for summoning additional accused, was allowed.

It is the contention of learned counsel for the petitioner that the petitioner was summoned along with two others namely Wirsra Singh and Baljit Singh. It has come in the order dated 09.04.2018 passed by the learned Additional Sessions Judge, Amritsar, that Wirsra Singh has already died which fact was mentioned in the report under Section 173 Cr.P.C. and Baljit Singh was already facing trial as charges had been framed against him. He, however, contends that the order passed by the learned Additional Sessions Judge, Amritsar, while setting aside the order dated 04.01.2018 passed by the learned Judicial Magistrate Ist Class, Ajnala, cannot sustain as once it has come to a conclusion that the learned trial Court has not applied its mind properly to the facts and circumstances of the case, the case should not have been remanded back to the Court for

fresh decision on an application under Section 319 Cr.P.C. His further submission is that there are observations in the order dated 09.04.2018 against the petitioner, which would adversely affect the independent decision of the trial Court on the application under Section 319 Cr.P.C. He, therefore, prays that the present petition be allowed by setting aside the order dated 09.04.2018 passed by the learned Additional Sessions Judge, Amritsar, to that limited extent.

Having considered the submissions made by learned counsel for the petitioner and on going through the impugned order as also the records made available, I do not find any illegality in the order dated 09.04.2018 passed by the learned Additional Sessions Judge, Amritsar, except for the observations in the said order relating to the allegations against the petitioner.

These observations will have no impact whatsoever and shall not be taken into consideration by the trial Court while passing a fresh order while considering the application under Section 319 Cr.P.C.

The present petition stands disposed of with above observations.

May 11th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No