

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

**Crl. Misc. No.M-33530 of 2017 (O&M)
Date of Decision: May 29, 2018**

Purshotam Bansal and another

.....PETITIONERS.

VERSUS

State of Punjab and another

.....RESPONDENTS.

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Shilesh Gupta, Advocate
for the petitioners.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. Sandeep Kumar Passi, Advocate
for respondent No. 2.

SURINDER GUPTA, J.(Oral)

Heard.

This revision petition has been filed against the order dated 06.02.2016 passed by Additional Sessions Judge, Bathinda (Annexure P-5), whereby the revision petition filed by respondent No. 2 was allowed and Amarjeet Singh, Superintendent of Police along with Harbans Singh, ASI were ordered to be summoned for the offences punishable under Sections 13 (2) and 13 (1) (d) of the Prevention of Corruption Act, 1988 (for short PC Act).

Learned counsel for the petitioners submits that while disposing of the revision petition, reference by the Court of revision that the petitioners have been summoned by the trial Court for the offences punishable under Sections 420, 465, 467, 468, 471, 120-B of Indian Penal

Code and Sections 13(2) and 13(1), (d) of PC Act has prejudiced the petitioners, as they were not summoned for the offences punishable under Sections 13 (2) and 13(1), (d) of PC Act by the trial Court.

The summoning order passed by the trial Court shows that there is specific mention therein that offence punishable under Sections 13 (2) and 13(1) (d) of PC Act is not made out against the petitioners. While making reference to summoning order, it appears that the Court of revision has recorded their summoning under Sections 13(2), 13(1) (d) of PC Act by due to some typographical mistake/oversight. There was no reason for the petitioners to feel aggrieved as neither order of the trial Court summoning petitioners was challenged by complainant nor they were party before the Court of revision, as such, any observation in the order passed by Court of revision is not binding on them.

In view of the facts discussed above, this petition has no substance or merits. The Court proceedings will be carried out against the revision petitioner as per their summoning order by trial Court without reference to typographical mistake/oversight in the order of lower court of revision regarding offences for which the petitioners have not been summoned by the trial Court.

Dismissed.

May 29, 2018
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No