

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

CRM-M-35112-2018

Date of decision: August 16, 2018

Gurbachan Singh

....Petitioner

Versus

Pargat Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Davinder Pal Soni, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J.(ORAL)

Through the present petition filed under Section 482 of the Code of Criminal Procedure, petitioner has prayed for quashing of judgment/order dated 04.06.2018 passed by the learned Sessions Judge, Amritsar (Annexure P-3).

During investigation, Pargat Singh and Hardeep Singh, both the son of Charan Singh were found innocent. However, on the application under Section 319 Cr.P.C., they were summoned by the learned Judicial Magistrate Ist Class, Ajnala to face trial for the offences under Sections 323/325 read with Section 34 IPC vide order dated 8th November, 2017 (Annexure P-2).

However, both of them preferred Criminal Revision No.3 of 2018 which was accepted by learned Sessions Judge, Amritsar vide impugned order dated 4th June, 2018 (Annexure P-3) by observing as under:-

“In these circumstances, in absence of any corroboration to the said statement of Onkar Singh in the shape of medical or ocular evidence, the impugned summoning order, which is based on the sole examination in chief of PW1 Onkar Singh

cannot be sustained in the eyes of law.

For the reasons aforesaid, the present revision petition is allowed and the impugned order dated 08.11.2017 passed by the trial court is set aside. However, it is made clear that if on examination of the other prosecution witnesses, it appears from the evidence that the revisionists had committed the offence for which they could be tried together with the other accused, who are already facing trial, the trial court will be at liberty to proceed against them. The State through Public Prosecutor is directed to appear in the trial court on the date already fixed. The record of the trial court be returned immediately along with copy of this order and the trial court should proceed further in accordance with law against the accused, who are already facing trial.”

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

A bare perusal of the record transpires that the learned Sessions Judge, Amritsar has specifically observed that oral evidence has not been corroborated by the medical evidence, however, it is made clear that if such evidence has been adduced during the trial then trial court shall be at liberty to proceed against them. To the mind of this court, the said observation is based upon the proper appreciation of evidence and does not suffer from any infirmity, illegality or irregularity.

No case is made out to intervene.

Dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

August 16, 2018
m. sharma

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