

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 295 of 2017 (O&M)

Date of decision : 7.5.2018

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Channan Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. N.S. Dandiwal, Advocate
for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General,
Punjab.

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H. S. Madaan, J.

By way of filing the present revision petition petitioner Channan Singh who has been summoned as an additional accused by Judge Special Court, Bathinda, while allowing the application under Section 319 Cr.P.C., has impugned that order.

FIR in this case was registered on the basis of secret information that Channan Singh – present petitioner has been selling poppy husk and in case a raid was conducted, huge quantity of poppy husk could be recovered from his house. A raid was accordingly, conducted and 37 Kgs of poppy husk was recovered from the fodder

room of his house. Gurdeep Singh @ Kaka, Bant Singh and Charanjit Singh had been sent up to face trial, during the course of which the prosecution moved an application under Section 319 Cr.P.C. for summoning Channan Singh as an additional accused, which was allowed by the trial Court, in light of the testimony of PW-2 HC Gurmeet Singh and PW-3 ASI Atma Singh, Investigating Officer. The trial Court concluded that poppy husk was recovered from the custody of Channan Singh, from the fodder room of his house, though he has been exonerated in an inquiry conducted by Police through SI Balbir Chand and rather accused Gurdeep Singh @ Kaka, Bant Singh and Charanjit Singh, were nominated. Of course, the enquiry by the police is not binding upon the Court. The Court is to reach its own conclusion on the basis of material available before it. Learned trial Court had considered depositions of PW-2, PW-3 and PW-8, while coming to the conclusion that Channan Singh is to be summoned as an additional accused. .

It is well settled law that scope of revisional jurisdiction of this Court is quite limited and the Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment under challenge. This is not the case here. The order passed by the Court below is well reasoned one, based upon proper appraisal and appreciation of evidence and correct interpretation of law. I do not find any illegality or infirmity with the impugned order, much less apparent on the face of the same, which might have called for interference by this Court, while exercising revisional jurisdiction.

The impugned order is certainly not perverse or having been passed

in violation of settled principles of criminal jurisprudence.

The revision petition is found to be without any merit and the same stands dismissed.

7.5.2018
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(H.S. Madaan)
Judge

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