

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No.1037 of 2018 (O&M)
Date of decision : 16.03.2018

Kuldeep Singh and another

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

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

RAJ SHEKHAR ATTRI, J.(Oral)

Petitioners Kuldeep Singh and Satnam Singh have invoked the jurisdiction of this Court under Section 401 Cr.P.C. for quashing of order dated 15.02.2018, passed by the learned Addl. Sessions Judge, Kaithal, vide which the application under Section 319 Cr.P.C. has been allowed and they have been ordered to be summoned as additional accused to face trial under Sections 307, 506/34 IPC and Section 27 of the Arms Act.

The facts, necessary for disposal of the revision petition, are that both the petitioners alongwith other associates were dancing in the marriage party. Co-accused Gurnam Singh was firing shots from his licenced gun which was objected by the complainant. Then Satnam Singh and Kuldeep Singh caught hold of complainant from his arms and Gurnam Singh fired a shot from a licenced revolver with an intention to kill the complainant which hit in his stomach.

A specific role has been attributed to the petitioners, inspite of that, they were declared innocent during investigation. As such, the Addl.

Sessions Judge, summoned them to face trial alongwith remaining accused.

Learned counsel for the petitioner has also placed reliance upon the judgment of Hon'ble Supreme Court in **Hardeep Singh vs. State of Punjab and others 2014 (1) ADJ 727** and prays to set aside the impugned order.

This Court has given thoughtful consideration to the rival contentions.

On the bare perusal of the material available on the record, this Court is of the considered view that prima facie a case is made out against both the petitioners to summon them as additional accused to face the trial alongwith remainig accused. The so-called inquiry is a mere eye wash and undue attempt has been made by the inquiry officer to save the petitioners.

After going through the entire evidence available on the record, this Court is of the considered opinion that the impugned order does not suffer from any illegality, infirmity or irregularity and the same does not call for any interference and is hereby affirmed.

However, law laid down in **Hardeep Singh's case (supra)** does not provide any help to the case of the petitioners. In the case in hand, there is ample material available on the record to summon the petitioners as accused.

Therefore, the instant petition being devoid of any merit is dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

16.03.2018
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No