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

CRR-151-2018

Date of Decision: 04.10.2018

Ramesh Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Riffi Birla, Advocate,
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Rahul Arora, Advocate,
for respondent Nos.2 and 3.

SUDIP AHLUWALIA J. (ORAL)

1. This revisional application is directed against the order dated 27.11.2017, whereby the complainant's prayer for summoning respondent Nos.2 and 3 as additional accused persons under Section 319 Cr.P.C. was rejected by the Ld. Additional Sessions Judge, Fazilka.

2. Ld. Additional Sessions Judge was of the opinion that from the evidence on record, no ground appeared to establish complicity of the respondents in the alleged occurrence in which the complainant was assaulted by the accused Chinderpal Singh with a weapon (Toka), and with the active abetment/complicity of respondent Nos.2 and 3, who were also present there. The said respondents were, however, found innocent by the Investigating Authority.

3. Perusal of the Case Diary does not reveal any cogent material

on the basis of which the Police came to this conclusion.

4. On the contrary, injury No.4 suffered by the complainant as noted in his MLR (Annexure P-3) would appear to be consistent with the nature of allegations made against respondent No.3 (Balwinder Singh).

5. To sum up, therefore, the approach adopted by the Ld. Trial Court would appear to be inconsistent with the guidelines noted in **“Hardeep Singh Vs. State of Punjab”, 2014(1) RCR (Criminal) 623**, which decision has not even been referred to in the impugned order.

6. For the above reasons, the present revision petition is allowed after setting aside the impugned order, the Ld. Trial Court is directed to issue summons upon respondent Nos.2 and 3 for commission of appropriate offences imputed to them according to the FIR.

7. Disposed off.

04.10.2018

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No