

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.25559 of 2018
and
Criminal Revision No.2423 of 2018

.....

Date of decision:27.7.2018

Harmesh Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. T.S. Sangha, Senior Advocate with Mr. Narinder Singh,
Advocate for the petitioner.

.....

Inderjit Singh, J.

Cr. Misc. No.25559 of 2018:

For the reasons mentioned in the criminal miscellaneous application, the delay of 20 days in filing the revision petition is condoned.

The criminal miscellaneous application stands allowed.

Cr. Rev.2423 of 2018:

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned order dated 5.4.2018 passed by learned Additional Sessions Judge, S.A.S. Nagar (Mohali), whereby the application filed under Section 319 Cr.P.C. for summoning Harmesh Singh, Harjinder Singh, Krishan Singh, Bhinder Singh alias Bhinda and Gurvinder Singh alias Goldy has been partly allowed and Bhinda (Bhinder Singh), Meshi (Harmesh Singh) and Goldy (Gurvinder Singh) have been summoned to

face trial.

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

From the record, I find that during the pendency of the trial in FIR No.10 dated 21.2.2017 registered for the offences under Sections 302, 323, 324, 148, 149, 201 and 120-B IPC at Police Station Banur, an application under Section 319 Cr.P.C. was filed to summon Harmesh Singh, Harjinder Singh, Krishan Singh, Bhinder Singh alias Bhinda and Gurvinder Singh alias Goldy. As per the application, Bhupinder Singh-injured witness has named the above said persons and sufficient evidence has come on record to summon them. The learned Additional Sessions Judge, S.A.S. Nagar (Mohali) vide order dated 5.4.2018 accepted the application partly and summoned Bhinda (Bhinder Singh), Meshi (Harmesh Singh) and Goldy (Gurvinder Singh) as additional accused to face trial along with other accused.

Aggrieved from this order, this criminal revision petition has been filed.

I have gone through the record and find that as per evidence the present petitioner Harmesh Singh was present on the spot and he caught hold of the deceased. It is a case of eye witness account and the eye witness PW-2 Bhupinder Singh-injured has appeared before the Court and has deposed as per prosecution version. He has also deposed that injury had been given by the present petitioner on his leg with 'Gandasi'.

All these facts have been discussed by the learned Additional

[3]

Sessions Judge. Nothing has been pointed out as to how order passed by the learned trial Court is perverse or against the evidence or law.

In view of the evidence on record, I find that it appears from the evidence to the Court that the present petitioner also involved in the commission of the offence and he can be tried together with the accused already challaned. The standard of proof for summoning an additional accused under Section 319 Cr.P.C is somewhat more than the *prima facie* case.

Keeping in view the facts and circumstances of the present case, I find that no illegality has been committed by the Court below by summoning the present petitioner.

There is no merit in the criminal revision petition and the same is dismissed.

July 27, 2018.

(Inderjit Singh)
Judge

hsp

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