

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No.2511 of 2018 (O&M)
Date of decision : 03.08.2018

Baljinder Singh alias Balwinder Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioners.

RAJ SHEKHAR ATTRI, J.(Oral)

The petitioners have preferred the instant revision petition against the impugned order dated 09.07.2018, passed by the learned Judge, Special Court, Amritsar, vide which he has been summoned as an accused to face trial on the application under Section 319 Cr.P.C.

A bare perusal of the FIR transpires that both the petitioners alongwith their associates formed unlawful assembly. Both of them were armed with dang (sticks) and they participated in the crime.

However, during investigation, both the petitioners were found innocent and they were not charge-sheeted alongwith remaining accused.

Learned counsel for the petitioners has also placed reliance upon the judgment of Hon'ble Supreme Court in *Hardeep Singh vs. State of Punjab and others 2014 (1) RCR (Criminal) 623* and prays to set aside the impugned order.

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

On scrutiny of the material available on the record, this court is of the view that prima facie case is made out to summon the petitioners as accused to face trial for the offences under Sections 307, 323, 506, 148, 149 IPC. The impugned order does not suffer from any illegality, irregularity or infirmity 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.

Consequently, finding no merit in the instant petition, the same is dismissed. However, nothing expressed above shall affect the merits of the case.

03.08.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

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