

CRR-3447 of 2018

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

CRR-3447 of 2018
Date of decision: 12.10.2018

Shamir Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Ms. Sunita Nambiar, Advocate,
for Mr. Abhimanyu Singh, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision, complainant has laid challenge to order dated 04.09.2018 of the trial Court, whereby application of the prosecution under Section 319 Cr.P.C. for summoning Pardhan Singh @ Laddi as additional accused to face trial along with two other co-accused, in case FIR No.221 dated 13.09.2017 registered under Section 302 read with Section 34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, was dismissed.

Briefly, on 12.09.2017 when Lakhvir Singh brother of complainant Shamir Singh did not return home from evening walk, complainant went out of house in search of him and found his brother Lakhvir Singh coming from the side of Mania Wali road along with Gagandeep and Sukhpal Singh @ Pal. Complainant also joined his brother.

Around 10:00 p.m., three persons riding a motorcycle driven by Pradhan Singh @ Laddi with Jagjeet Singh @ Jaggi and Gurpreet Singh @ Gaggi as

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pillion riders, stopped near them. Gurpreet Singh @ Gaggi was armed with sword. Jagjeet Singh @ Jaggi raised *lalkara* to teach a lesson to the complainant and his brother Lakhvir Singh to cause damage to their motorcycle. In the meantime, Gurpreet Singh @ Gaggi gave several sword blows to Lakhvir Singh brother of the complainant and on raising alarm, all the three assailants ran away from the spot. Injured was shifted to hospital at Malout, but he succumbed to his injuries on the way. Motive behind the occurrence was that few days back, motorcycle of accused Gurpreet Singh @ Gaggi had got damaged in a fight of him with Lakhvir Singh.

On these broad allegations, aforesaid FIR was recorded against the assailants. However, during investigation, Pradhan Singh @ Laddi was found innocent. Therefore, declaring Pradhan Singh @ Laddi innocent, he was placed in column No.2, in final report under Section 173(2) Cr.P.C. After framing charge, complainant as PW1 narrating verbatim the same story, immediately got moved application through prosecution under Section 319 Cr.P.C. for summoning Pradhan Singh @ Laddi as additional accused, which after hearing both the sides, has been dismissed vide impugned order dated 04.09.2018.

Learned counsel for the petitioner *inter alia* contends that trial Court failed to appreciate that at the time of attack upon deceased Lakhvir Singh, Pradhan Singh @ Laddi was accompanying co-accused Jagjeet Singh @ Jaggi and Gurpreet Singh @ Gaggi. Therefore, his complicity in the commission of crime was well-proved on the record. Trial Court failed to appreciate that Pradhan Singh @ Laddi was driving motorcycle on which the assailants had come to attack Lakhvir Singh. Therefore, from this angle

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Having given thoughtful consideration to the submissions made by learned counsel for the petitioner, this Court finds instant revision completely devoid of any merit for the reasons to follow.

No role whatsoever has been attributed to Pradhan Singh @ Laddi, sought to be summoned as additional accused. He did not even raise *lalkara*. Therefore, simply accompanying accused Jagjeet Singh @ Jaggi and Gurpreet Singh @ Gaggi on a motorcycle of Pradhan Singh @ Laddi by in itself does not prove his complicity in the commission of crime in the absence of any evidence that he was one of the conspirators with co-accused for causing injuries to Lakhvir Singh, more particularly when he did not play any active role in the crime. Earlier also, quarrel had taken place between deceased Lakhvir Singh and Gurpreet Singh @ Gaggi in the absence of Pradhan Singh @ Laddi.

Consequently, on the bald statement of petitioner that Pradhan Singh @ Laddi was accompanying accused Jagjeet Singh @ Jaggi and Gurpreet Singh @ Gaggi, in the absence of any corroboration, he could not have been summoned as additional accused.

I have gone through the impugned order and find no illegality or perversity in the same.

In view of above, revision is dismissed.

October 12, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No