

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

**CRR No.3841 of 2018 (O&M)**  
**Date of Decision: November 27, 2018**

Jagdeep Singh @ Jagjit Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Inderjeet Sharma, Advocate  
for the petitioner.

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**INDERJIT SINGH, J.**

The present revision has been filed by the petitioner against respondent State of Punjab, challenging the impugned order dated 30.08.2018 passed by learned Addl. Sessions Judge, Amritsar, vide which the application under Section 319 Cr.P.C. filed by the prosecution for summoning the petitioner as additional accused was allowed.

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 of case FIR No.51 dated 03.06.2016 under Sections 302, 307, 323, 148, 149, 411, 414 IPC and Sections 25 and 27 of the Arms Act, registered at Police Station Raja Sansi, an application was filed under Section 319 Cr.P.C. for summoning petitioner Jagdeep Singh @ Jagjit Singh as additional accused.

Learned trial Court after appreciating the statement of PW-1 Pardeep Singh,

allowed said application, vide order dated 30.08.2018 and the petitioner was summoned to face trial under Sections 302, 307, 411 read with Section 120-B and Section 25 of the Arms Act. Aggrieved from the above-said order, present revision has been filed.

From the record, I find that it is specifically stated by the complainant that son-in-law of accused was driving the car, to whom he can identify. As per complainant's statement, the driver of the car hit the motorcycle which was being driven by the complainant and his brother Malkiat Singh was sitting as pillion. Five persons alighted from the said car namely Ranjit Singh, Bikramjit Singh, Karamjit Singh, Rajbir Singh and Jagdeep Singh @ Jagjit Singh, present petitioner. As per complainant's statement, Ranjit Singh was armed with .315 bore rifle, Karamjit Singh was armed with .12 bore pistol, Bikramjit Singh was armed with .12 bore double barrel gun, Rajbir Singh was armed with *datar* and Jagdeep Singh was empty handed. It is further stated that accused Jagdeep Singh is brother-in-law of accused Rajbir Singh and Karamjit Singh. As per statement of the complainant Pardeep Singh before the Court, all of them started firing shots from there respective fire arms, on which, complainant and Malkiat Singh, to save their lives, ran towards the canal. When they were crossing the canal, one of the fire shot hit Malkiat Singh. The complainant also received pellet injury on his right leg. Malkiat Singh fell down after receiving the injury. All the accused came near him and gave injuries to Malkiat Singh, who received injuries on his face and various parts of the body. Malkiat Singh died due to the injuries.

Keeping in view the version of the complainant in the FIR and

then in the statement on oath before the Court as PW-1, it appears that

present petitioner is also involved in the commission of the offence. Complainant Pardeep Singh is the eye witness as well as injured witness. At the time of summoning additional accused, it should appear to the Court that accused sought to be summoned is also involved in the commission of the offence and he should be tried along with other accused. The standard of proof for summoning additional accused is somewhat more than prima facie case. In the present case, the injured eye witness has deposed on oath that present petitioner was driving the car and has also alighted from it. Though, no injury has been attributed to him, but it is in the FIR that driver of the car hit the motorcycle of the complainant, due to which they fell down.

In view of the above discussion, I find that the impugned order dated 30.08.2018 passed by learned Addl. Sessions Judge, Amritsar, is correct, as per law and does not require any interference from this Court. In no way, the findings can be held as perverse or against the law.

Therefore, finding no merit in the present petition, the same is dismissed.

**November 27, 2018**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**