

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-54806 of 2018

Date of Decision: December 17, 2018

Gurnam Singh

.....Petitioner

versus

Gurjant Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Satish Sabharwal, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner is aggrieved because an application under Section 319 Cr.P.C. has been rejected vide order dated 04.12.2017 (Annexure P-3) and this order has been upheld by the revisional Court vide its order dated 22.11.2018 (Annexure P-4).

Learned counsel for the petitioner submits that on the application under Section 319 Cr.P.C., respondents No. 1 to 4 were summoned as additional accused vide order dated 17.04.2017. The said order was challenged vide two separate revision petitions dated 11.07.2017 and 22.08.2017. Meanwhile, the charge was framed against them on 15.07.2017. The revisional Court allowed the revision petition and set aside the order dated 17.04.2017 with a direction to the trial Court to decide the application afresh. Thereafter, the application has been dismissed and the said order has been upheld by the revisional Court. It is submitted that the order passed by the revisional Court earlier on 21.09.2017 was erroneous because the order passed on the application under Section 319 Cr.P.C. could not have been set aside after the charge had been framed against the additional accused. Thus, the impugned orders are illegal and are liable to be set aside.

I am not impressed with the submissions of the learned counsel for the petitioner for the reason that the order dated 21.09.2017 passed earlier by the revisional Court has remained unchallenged. Under the circumstances, the trial Court was bound to decide the application under Section 319 Cr.P.C. afresh, which has been done and learned counsel for the petitioner has not been able to point out any infirmity either in the said order or in the order dated 22.11.2011 whereby the revision has been dismissed.

Thus, I do not find any ground to interfere in the impugned orders Annexures P-3 and P-4.

The petition is, accordingly, dismissed.

December 17, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No