

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

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**CRM-M-11613-2019(O&M)
Date of Order:14.10.2109**

JARNAIL SINGH

..Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sukhjinder Singh, Advocate, for the petitioner.

ANIL KSHETARPAL, J(Oral)

Present petition has been filed against the order passed by the learned Magistrate dismissing the application under Section 319 Cr.P.C. for summoning additional accused-Preeti which has been affirmed in revision.

Learned counsel for the petitioner after arguing at some length admits that the *prima facie* findings of the Court that the ocular evidence is not supported by medical evidence qua Preeti is correct. However, he submits that the observation made by the Court that ocular evidence led by the prosecution is contradictory is not correct.

Be that as it may, once the ocular evidence is not supported by medical evidence produced by the prosecution, the courts have rightly refused to summon Preeti as additional accused. Before an additional accused can be summoned, the prosecution has to establish more than *prima facie* case and it is only thereafter that the Court should exercise its powers under Section 319 Cr.P.C. as held by a Constitutional Bench in the case of **Hardeep Singh vs. State of Haryana, (2014) 3 SCC 92.**

Still further, the present petition which has been filed under

Section 482 Cr.P.C. is in fact a second revision petition under garb of

Section 482 Cr.P.c as second revision is not maintainable in view of bar under Section 319 Cr.P.C..

Hence, no ground is made out to interfere.

Dismissed.

October 14, 2019
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(ANIL KSHETARPAL)
JUDGE

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