

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

CRM-M-29428-2017 (O&M)

Date of decision : 18.10.2019

Rashpal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Sunil Chadha, Sr. Advocate with  
Mr. Lakshay Bector, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

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**ANIL KSHETARPAL, J. (ORAL)**

Although, respondent No.2 in spite of best efforts could not be served as he is reported to have migrated overseas, however, keeping in view the nature of the order which this Court proposes to pass, service of notice on respondent No.2 can be dispensed with.

Petitioner was summoned as additional accused by the learned Magistrate vide order dated 12.07.2016. Petitioner filed a revision petition on 07.12.2016 challenging the aforesaid order. It was pleaded by the petitioner that he has not been served with a notice pursuant to the order of summoning. Petitioner had gone abroad on 10.08.2016 and came back on 23.11.2016. It has further been pleaded that the petitioner on coming to know of the order applied for pre-arrest bail which was allowed by the

learned Court of Sessions vide order dated 01.12.2016. Revision before the Court of Sessions was filed on 07.12.2016.

Learned Additional Sessions Judge, dismissed the revision petition only on the ground that it is filed beyond the period of limitation. From the reading of the order, it is apparent that the Court has not recorded any finding as to when the petitioner received summons pursuant to the order of summoning. The Court has drawn presumption on the ground that this order was known to co-accused. Such presumption is not called for in the facts and circumstances of the present case. Limitation would begin to run from the date the order sought to be challenged came to the notice of the petitioner. Petitioner applied for copy of the order on 22.11.2016. Limitation would begin to run therefrom. Revision petition was filed on 07.12.2016 i.e. within a period of 15 days approximately.

Keeping in view the aforesaid facts, order under challenge being erroneous, is set aside.

Accordingly, the present petition is allowed.

Parties through their counsel are directed to appear before the Court of Additional Sessions Judge, Kapurthala on 04.11.2019.

Learned Additional Sessions Judge, Kapurthala is requested to decide the revision on merits.

**18.10.2019**

*Pawan*

**(ANIL KSHETARPAL)  
JUDGE**

**Whether speaking/reasoned:- Yes/No**

**Whether reportable:- Yes/No**