

CRM-M-33965-2017

Date of Decision:16.10.2019

Paramjit Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Dr.Anmol Rattan Sidhu, Senior Advocate with
Ms.Sudha, Advocate for the petitioners.
Mr.Bhupinder Beniwal, AAG, Punjab.
Mr.R.K.Singla, Advocate for respondent No.2.

ANIL KSHETARPAL, J.

Arguments of learned counsel for the parties have been heard at length.

Pursuant to the FIR registered, investigating agency submitted a cancellation report, however, the Magistrate did not agree with the cancellation report and ordered further investigation. After further investigation, once again the investigating agency filed cancellation report. However, on protest petition, the court ordered the complainant-respondent to lead evidence and thereafter the court passed order dated 15.10.2016, summoning the petitioners and another accused. The operative part of the above-said order is extracted as under:-

“So from the above said evidence led by the complainant, which at this stage is un-rebutted and unchallenged, a prima facie is made out to summon accused no. 1 to 6 namely Paramjit Singh, Baljit Singh, Ranjit Kaur Nain, Chuhan Singh, Jassa & Gurnek Singh under Section 406/420/120-B of IPC. As such, accused no. 1 to 6 namely Paramjit Singh, Baljit Singh, Ranjit Kaur Nain, Chuhan Singh,

Jassa & Gurnek Singh are ordered to be summoned to face trial for the offence under section 406/420/120-B of IPC. Let process be issued to procure the presence of accused no.1 to 6 for 15.11.2016 on filing of copies of complaint/PF/DM within three days from today.”

Learned counsel for the parties are ad idem that the order under challenge be set aside and the learned Magistrate be directed to pass a fresh order after considering the entire material available on record.

Ordered accordingly.

This order has been passed keeping in view the fact that Ranjit Kaur and Sarabjit Singh (complainant) were married and now they are separated by ex parte decree of divorce.

Disposed of.

16.10.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No