

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

CRM-M-42499-2017 (O&M)

Date of decision : 30.04.2019

Mohinder Singh and others

...Petitioners

Versus

Pritam Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parampreet Singh Paul, Advocate for the petitioners.

Mr. S.K. Pippat, Sr. Advocate with
Mr. Manoj Pundir, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

It is a strange case where learned trial Court had refused to
summon accused vide order dated 05.09.2016 and dismissed the complaint.

Complainant filed revision petition but impleaded only State as
party, although, State was not party before the trial Court in the complaint.
Learned Additional Sessions Judge has set aside the order and directed the
trial Court to pass a fresh order. Order passed is admittedly without hearing
the accused. No doubt, learned Additional Sessions Judge was required to
be careful, however, complainant while impleading the parties in the
revision petition was under duty to implead proper parties. Order passed in
the revision petition could not be passed without hearing the petitioners.

Accordingly, the present petition is allowed.

Order dated 03.01.2017 is set aside.

Petitioners are directed to be impleaded as party to the revision petition and the learned Additional Sessions Judge is directed to re-decide the matter.

Consequently, subsequent order passed by the trial Court summoning the accused on the basis of the order passed by the Additional Sessions Judge shall also stand set aside.

Parties through their counsel are directed to appear before the Court where revision was pending on 21.05.2019.

30.04.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No