

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

**CRR No.2479 of 2017 (O&M)
Date of Decision: March 13, 2019**

Paviterdeep Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ajit Singh Natt, Advocate
for the petitioner.

Mr.Monika Jalota, DAG, Punjab
for the respondent-State.

None for respondents No.3 to 5.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Paviterdeep Singh against State of Punjab and other respondents, challenging the impugned order dated 12.05.2017 passed by learned Addl. Sessions Judge, Patiala, vide which the application filed by the prosecution under Section 319 Cr.P.C. was dismissed.

Notice of motion was issued. Learned State counsel appeared and contested the petition. Earlier, learned counsel for respondents No.3 to 5 was appearing but today, none has put in appearance on behalf of respondents No.3 to 5.

I have heard learned counsel for the petitioner as well as

learned State counsel and have gone through the record.

From the record, I find that during the pendency of the trial, an application under Section 319 Cr.P.C. has been filed for summoning Surjan Singh, Lakhwinder Singh @ Lakha, Gupreet Singh @ Gopi and Manjit Singh as additional accused. The perusal of the record shows that challan was presented against Jajjeet Singh @ Jaj in case FIR No.192 dated 26.08.2010 under Sections 341, 307 and 506 IPC by the police of Police Station Patran. The brief facts of the case as noted down by learned Addl. Sessions Judge, Patiala, are as under:-

“2. Succinctly stated, the facts of this case are that on 26.8.2010 the complainant Paviterdeep Singh along with his friend Buta Singh were coming from his house to District Courts Patiala on his motor cycle, Hero Honda and when they reached near Dera Joginder Singh son of Kartar Singh at about 8.15 AM then they saw that one Maruti Car came from their back side and the driver of the said Maruti Car had stopped his car in front of their Motor cycle. At that time accused Jajjeet Singh was sitting on the front seat of the said Maruti Car adjoining to the driver seat and on the rear seat of the said Maruti Car three more persons were sitting and one of which was driving the said car, out of the said three persons who were sitting on the rear seat one person was wearing cap and having iron rod in his possession whereas the remaining two persons who were sitting on the rear seat of the car were having swords and after stopping the said Maruti Car accused Jajjeet Singh alighted from the said Maruti Car and gave a filthy abuse to the complainant and threatened him that he will not spare him and thereafter he gave a leg blow on his motor cycle, consequent to which complainant and his friend Buta Singh fell down on the ground from their motor cycle and thereupon remaining four person, who were sitting in the said Maruti Car were also alighted from the said car and the person who wearing cap gave a rod blow towards the complainant and his friend and then they stepped aside and the blow the said rod had hit on their motor cycle, thereafter the complainant and his friend started running on Kachi Pahi towards Dera of Joginder Singh and the remaining person had stated to accused Jajjeet Singh that he should give a fire shot and that he should kill the complainant and his friend and thereafter the accused Jajjeet Singh who was holding a pistol gave a fire shot towards the complainant with an intention to

kill him on which the complainant put his head down and the said fire shot crossed him from above his head. The said incident was witnessed by one Lakhwinder Singh who raised hue and cry, "Marr Ditta Mar Ditta" and thereafter all the accused fled away from the spot on their Maruti car along with their weapons. On the basis of said statement, FIR no.192 dated 26.08.2010, under Sections 307, 341, 506 IPC was registered at Police Station Patran only against the present accused Jajjeet Singh. After conducting the investigation, the police presented the challan against accused Jajjeet Singh.

Learned Addl. Sessions Judge, Patiala, dismissed the application vide order dated 12.05.2017. Aggrieved from this order, present revision petition has been filed.

From the record, I find that in the FIR, names of above-said persons have not been mentioned. Rather, only name of Jagjeet Singh @ Jaj is mentioned in the FIR and it is stated that four persons were sitting in the Maruti car. It is a no injury case. The complainant has not received any injuries with iron rod nor the shot fired by the main accused, has hit him. The names of above-said four persons, to whom the complainant wants to summon in this case, have not been mentioned at any time during investigation. Therefore, their names are not mentioned in column No.2 of the report under Section 173 Cr.P.C. These persons also never joined during investigation. First time, their names came when the complainant appeared as PW in the Court.

Keeping in view the above facts, it does not appear to the Court that the persons, sought to be summoned as additional accused, are involved in the commission of offence and they should be summoned to face trial along with accused already challaned. For summoning additional accused, the standard of proof is more than a prima facie. There is no cogent

persons, to whom the prosecution wants to summon.

In view of the above discussion, I find that no illegality has been committed by learned trial Court while dismissing the application under Section 319 Cr.P.C. filed by the prosecution. The impugned order dated 12.05.2017 passed by learned Addl. Sessions Judge, Patiala, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present revision petition, the same is dismissed.

March 13, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No