

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

CRM-M-26226-2019 (O&M)

Date of decision : 12.07.2019

Amandeep Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunny K. Singla, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Application filed by the petitioner under Section 319 Cr.P.C. for summoning of (1) Surinder Kaur wife of Darshan Singh, resident of Village Bhudan, Tehsil Malerkotla, (2) Gurmit Kaur daughter of Darshan Singh now wife of Anoop Singh son of Gahi Singh, resident of Village Mangewal, Tehsil and District Barnala (3) Baljit Kaur daughter of Darshan Singh now wife of Sohanjit Singh son of Gurdev Singh resident of Village Fatehgarh Panjgraian Tehsil Dhuri (4) Harkomal Singh son of Sohanjit Singh son of Gurdev Singh resident of Village Fatehgarh Panjgraian, Tehsil Dhuri, has been dismissed by the Sub Divisional, Judicial Magistrate and the order has been confirmed in revision.

Present petition has been filed under Section 482 Cr.P.C. invoking the inherent jurisdiction of this Court.

On careful reading of the order passed, it is apparent that the

Court did not find sufficient material to establish more than prima facie material to prove involvement of the additional accused sought to be summoned. As per the judgment passed by the Constitution Bench in the case of **Hardeep Singh Vs. State of Punjab and others, 2014(3) SCC 1992**, before the Court summons additional accused under Section 319 Cr.P.C., the prosecution is required to establish more than prima facie case.

Learned counsel for the petitioner submits that these additional accused were present and had caught hold of the victim petitioner. Hence, he further submits that there is video to this effect which is part of the challan.

On the pointed question, learned counsel for the petitioner could not draw attention of the Court to this fact having been brought to the notice of the Courts below.

While exercising powers under Section 482 Cr.P.C., this Court is required to examine validity and correctness of the order passed.

In these circumstances, there is no ground to interfere.

Accordingly, the present petition is dismissed.

12.07.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No