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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-2181-2019 (O&M)

Date of Decision : September 05, 2019

Amandeep Kaur

.... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present : Mr. M.S. Viridi, Advocate
for the petitioner.

SHEKHER DHAWAN, J.

Present revision petition is directed against the order dated 23.07.2019 passed by learned Additional Sessions Judge, Gurdaspur, whereby application under Section 319 Cr.P.C. for summoning of respondents no. 2 to 6 as additional accused in case bearing FIR No. 23 dated 9.4.2018 under Sections 302, 201, 365 and 120-B IPC registered at Police Station, Dinanagar, District Gurdaspur, was dismissed.

2. Facts relevant for the purpose of decision of the present revision petition; FIR in the above mentioned case was registered on the basis of complaint made by Amandeep Kaur. As per the complainant, her father, Gurmeet Singh (since deceased) was an agriculturist and had entered into agreement of sale dated 12.05.2018 with Mehanga Singh, who executed an agreement in favour of Gurmeet Singh. On 7.4.2018, said Gurmeet Singh had gone for harvesting mustard crop, but did not return back. Complainant searched for her father and as per suspicion of

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the complainant, Gurmeet Singh had been kidnapped by Mehanga Singh and his friend, Kuldeep Singh. Police started investigation and during investigation, the complainant disclosed as to how murder of Gurmeet Singh had taken place and the allegations were against Mehanga Singh and his friend, Kuldeep Singh. On the basis of her disclosure statement, dead body of Gurmeet Singh was recovered. Later on Kuldeep Singh was declared innocent. Challan was presented. During trial, complainant Amandeep Kaur was examined as PW-1 and on the statement of complainant, application under Section 319 Cr.P.C. was filed for summoning of Paramjit Singh, Manpreet Singh, Ajaib Singh, Kuldip Singh alias Kala and Malkiat Singh as additional accused which was dismissed by learned trial Judge vide impugned order dated 23.07.2019.

3. Learned counsel for the petitioner contended that there was sufficient evidence available on the file to summon the above named persons as additional accused, but the learned trial Judge has dismissed the application without any reason.

4. Having considered the submissions made by learned counsel for the petitioner and appraisal of record, this Court is of the considered view that prosecution case is that Ramma took Gurmeet Singh (deceased) to Mehnga Singh and Kuldip Kaur where he was murdered. Said Mehnga Singh died. However, Rama and Kuldeep Kaur are facing trial, but there is no material or evidence available on the file so as to summon Paramjit Singh, Manpreet Singh, Ajaib Singh, Kuldip Singh alias Kala and Malkiat Singh as additional accused simply on the basis that complainant had stated so before the Court as PW-1. Law on the point is settled that while exercising powers under Section 319 Cr.P.C., the Court has to take care

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that there is some material or evidence so as to proceed further against the persons named in the application under Section 319 Cr.P.C., and to summon them as additional accused, but in this case, there is no such material or evidence available on the file and learned trial Judge has rightly exercised the jurisdiction lawfully vested in him while deciding the application under Section 319 Cr.P.C.

5. Resultantly, there is no merit in the present revision petition and stands dismissed.

(SHEKHER DHAWAN)
JUDGE

September 05, 2019

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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes