

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No.2182 of 2019(O&M)
Date of Decision: September 20, 2019.

Manpreet Singh @ Mani

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Ajay Pal Singh Rehan, Advocate, for the petitioner.
Mr.S.P.S.Tinna, Additional AG, Punjab.

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Anil Kshetarpal, J. (Oral)

Challenge in the present revision petition is to the order dated 05.08.2019 passed by the learned Additional Sessions Judge, Gurdaspur, summoning the petitioner as an additional accused in exercise of his powers under Section 319 Cr.P.C.

The Investigating Agency had found, after examination of evidence, that the petitioner was not present at the place of occurrence. Hence, the name of the petitioner was kept in column No.2 while submitting the final report under Section 173 Cr.P.C. Thereafter, statement of first informant was recorded and the Court, on the application, summoned the petitioner. Operative part of the order reads as under:-

“6. Even it is alleged specially in the statement of Baldev Raj that accused Naranjan Singh raised lalkara (Sansia Kuttea nu Aaj Maar dena Hai). It is even alleged that all the accused gave a abusive language on their caste saying (Sansion Kuttyon).

7. There are specific allegations against the additional accused Manpreet Singh @ Manni, Baljinder Singh @ Laddi son of Naranjan Singh. Hence, both of them are

ordered to be summoned under Sections 302, 307, 324, 323, 148, 149 IPC and read with Section 3(II) V (VA) of SC/ST Atrocities Act, 2015.

8. As there is threat in this case to be witnesses and their counsel, the case shall be taken up on day to day basis. The aforesaid additional accused be summoned for 06.08.2019, 07.08.2019 and 08.08.2019. Ahlmad is directed to issued the process accordingly. IO be summoned to execute the summons on the additional accused. Further the Ahlamd is directed to send the copy to quarter concerned protection of witnesses.”

As per the allegations in the FIR, Manpreet Singh-petitioner had given a kirpan blow to deceased Ashok Kumar-brother of the first informant, which hit on elbow of his right arm. A bare look at the medico-legal report (Annexure P-2) shows that injury No.5 is on the right fore-arm just below the elbow joint. However, the same is with blunt weapon. Still further, additional accused under Section 319 Cr.P.C. can be summoned only when the Court finds that more than *prima-facie* case is made out against him. At this stage, only statement of Baldev Raj has been recorded in part.

Keeping in view the aforesaid facts, the order under challenge is set-aside. The Court shall be at liberty to pass a fresh order at an appropriate stage while taking into consideration the entire material including medico-legal report.

The petition stands disposed of.

September 20, 2019
mohinder

(ANIL KSHETARPAL)
JUDGE

