

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

CRR-2982-2019

Date of Decision: 19.11.2019

Surinder Pal and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mohit Garg, Advocate, for the petitioners.

HARNARESH SINGH GILL, J.

Challenge in the present petition is to the order dated 22.08.2019 passed by the learned Additional Sessions Judge, Patiala, whereby the application under Section 319 Cr.P.C. moved by complainant-Harmesh Kaur through Public Prosecutor, for summoning the petitioners as additional accused, has been allowed.

Learned counsel for the petitioners contends that the police did not file any challan against the petitioners and during the investigation, they were found innocent and accordingly, kept in Column No.2 in the report under Section 173 Cr.P.C. However, while passing the impugned order, the learned trial Court, has totally lost sight of the said material aspect.

However, I do not find any merit in the said argument of the learned counsel for the petitioner.

It is a case wherein complainant-Harmesh Kaur while appearing as PW5 had specifically named the petitioners.

It was stated that they had connived with the other accused, who are already facing trial, while committing the crime, which had resulted into the death of Harnek Singh. The statement of complainant-Harmesh Kaur is on record as Annexure P.4, wherein she stated that Paramjit Kaur, Manjit Kaur and Sunita had caught hold of Harnek Singh by encircling him; that Surinder Pal had given a dang blow on the nose of Harnek Singh and that Paramjit Kaur, Manjit Kaur and Sunita had pelted stones and brick bats at Harnek Singh deceased.

As the petitioners were specifically named by complainant-Harmesh Kaur in her testimony before the Court while appearing as PW5, I do not find any ground to interfere with the impugned order passed by the learned trial Court.

Hence, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

19.11.2019
ds

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No