

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

CRR-7141-2018 (O&M)
Date of decision : 07.05.2019

Paramjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. S.S. Sarwara, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Keshav Pratap Singh, Advocate for respondent No.2.

ANIL KSHETARPAL, J.

Through this criminal revision petition, order passed by the learned trial Court dated 18.08.2018 has been impugned, whereby the application under Section 319 of Cr.P.C. moved by the prosecution seeking to summon additional accused Vijender Pratap son of Bakhshish Singh, Ajay Pratap son of Bakhsish Singh, Paramjit Singh (petitioner herein) son of Rattan Singh, has been allowed.

The trial is pending for offences punishable under Sections 148, 323, 302, 307, 325 read with Section 149 of the Indian Penal Code. Learned trial Court has in its concluding para, recorded as under:-

“9. Thus, specific role is attributed to persons sought to be summoned, weapons carried by them at the time of crime

and the injuries inflicted by the said persons on the person of complainant party. The evidence indicate a reasonable prospect that the persons, who are to be summoned, would be convicted. Consequently, the application under reference is allowed, qua Vijender Pratap son of Bakhsish Singh, Ajay Pratap son of Bakhsish Singh and Paramjit Singh son of Rattan Singh, residents V. Samgoli, Tehsil Dera Bassi, District SAS Nagar (Mohali). As far as Srivastava Property Dealer, resident of Chandigarh Apartments, Dera Bassi, is concerned, application u/s 319 Cr.P.C. is not maintainable as he has already been kept in column no.2 by the prosecution in report u/s 173 Cr.P.C. with the noting that he is yet to be arrested. This means, he has not been declared innocent by the prosecution. Accordingly, the persons namely Vijender Pratap son of Bakhsish Singh, Ajay Pratap son of Bakhsish Singh and Paramjit Singh son of Rattan Singh, residents V. Samgoli, Tehsil Dera Bassi, District SAS Nagar (Mohali), are ordered to be summoned as accused to face trial in this case for the offences punishable u/s 148, 323, 302, 307, 325, read with Section 149 IPC , for 05.09.2018.”

This Court has heard learned counsel for the parties at length and with their able assistance gone through the documents filed which are part of the paper book.

Learned counsel for the petitioner-Paramjit Singh has submitted that the petitioner was not found to be involved in offence by the police and, therefore, his name was put in column No.2. He submitted that the police had conducted thorough investigation and, therefore, merely on the statement of the complainant, petitioner could not be summoned by the Court as an additional accused.

It may be noted that the petitioner has been referred to as one of the accused who was carrying a sword in his hand. As per the FIR, the petitioner is alleged to have attacked Rinku with sword which hit him on his head on the right side. Even when the complainant joined investigation, the statements of the complainant and other witnesses were recorded, the petitioner was attributed specific role and injury. A copy of the challan which has been produced as Annexure P-4 shows that the Investigating Agency recorded that due to non-availability of evidence, the name of the petitioner has been put in column No.2. Learned trial Court has recorded cogent reasons while summoning the petitioner as an additional accused.

In view of the above, there is no ground to interfere in the order under challenge.

Accordingly, the present petition is dismissed.

07.05.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No