

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through Video Conferencing)

113

CRR-1174-2021(O&M)
Decided on : 28.10.2021

SATAR SINGH

. . . Petitioner(s)

Versus

JOGA SINGH AND OTHERS

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Kushagra Beniwal, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The present revision petition has been preferred against the order dated 31.03.2021 passed by the Additional Sessions Judge, Kurukshetra, whereby the application under Section 319 CrPC filed by the petitioner/complainant has been dismissed.

Learned counsel while inviting the attention of this Court to the impugned order has submitted that a perusal of the same reveals that it is on the face of it a non-speaking order. Still further it has been submitted that the Court below gravely erred while dismissing the application under Section 319 CrPC by observing that since other prosecution witnesses were yet to be examined, the application filed under Section 319 CrPC for summoning of the private respondents was premature. Learned counsel has submitted that the observations of the Court were clearly erroneous and

against the settled law, as a person could be summoned as an additional accused at any stage of trial and in fact even as early as after the filing of the charge-sheet.

Learned counsel has submitted that he would be satisfied if the matter could be remanded back to the trial Court with directions to decide the application afresh on merits on the basis of evidence adduced till date before the Court.

I have heard learned counsel as well as perused the material on record.

Without commenting on the merits of the instant revision petition, the case is remanded back to the trial Court concerned with the directions to decide the application, filed by the petitioner under Section 319 CrPC, afresh on merits, after considering the evidence, which may have been adduced till date before the Court concerned.

Disposed off, in the above-said terms.

(MANJARI NEHRU KAUL)
JUDGE

October 28, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>