

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48449-2021(O&M)

Date of decision: 25.01.2022

Jaswinder Kaur and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.N.P.S.Mann, Advocate, for the petitioners
Mr. Ajay Pal Singh Gill, DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

Through this petition filed under Section 482 Cr.P.C, the petitioners assail the correctness of the order passed by the Judicial Magistrate, First Class, Rupnagar, passed on 04.04.2019, while summoning them as additional accused. The order passed by the Judicial Magistrate has been affirmed by the Additional Sessions Judge, Rupnagar, in a revision petition. Learned counsel representing the petitioners contends that the first informant (injured) filed two applications under Section 319 Cr.P.C. He submits that one application was dismissed whereas the second one was allowed. He further contends that in the absence of clinching evidence, the petitioners could not be ordered to be summoned as additional accused.

Heard learned counsel for the petitioners and with his able assistance perused the paper book.

It is evident from perusal of the paper book that the first informant (injured) filed two separate applications under Section 319 Cr.P.C. The first one was filed with the prayer to summon Karamchand s/o Nathu and Ravinder Nath son of Karamchand, as additional accused. Another application was filed for summoning

the present petitioners (Jaswinder Kaur, Tarsem Lal, Manjeet Singh, Rakesh Kumar alias Makhan and Pawan Kumar @ Pamma), as additional accused.

On appreciating the material available on file, the Judicial Magistrate allowed the second application whereas dismissed the first one.

It is also evident that the petitioners were specifically named in the FIR and the police in the absence of evidence placed their names in column no.2. The injured, in his evidence, once again attributed specific role to the petitioners.

At this stage, the petitioners have only been summoned as additional accused. As the petitioners were specifically named as accused in the FIR and there is some prime facie evidence available on the file showing involvement of the petitioners in the alleged offence. Hence, the learned courts below have not committed any error in summoning the petitioners as additional accused. Consequently, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

25.01.2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No