

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-M-35139-2013

Date of Decision: May 03, 2023

Harjinder Singh and others

.....Petitioner(s)

Vs.

Surjit Singh

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anil Chawla, Advocate for the petitioner.

Ms. Rupinder K. Thind, Advocate for the respondent.

ANOOP CHITKARA J. (ORAL)

The present petition has been filed for quashing of the impugned order dated 17.07.2012 whereby order passed by the Court of Additional Sessions Judge, Amritsar whereby order passed by the trial Court dated 21.10.2009 declining prayer of respondent to summon the petitioner, set aside and matter was remanded back to trial Court to pass order afresh.

2. Initially, the complainant had arraigned 07 accused out of whom Amrik Singh had expired. Out of the remaining 06 accused, the trial Court summoned petitioners No.1 to 4 to face trial but did not summon two accused i.e. petitioners No.5 and 6. Challenging the said order, the complainant filed criminal revision before the Sessions Court.

3. While considering the said revision, the appellate Court remanded back the case to trial Court for reconsideration. This time the trial Court dismissed the entire complaint. Challenging the same, the complainant again filed revision before the Sessions Court and vide order dated 17.07.2012 revision of court remanded the matter to the trial Court for passing order afresh while observing that enough material is available against the petitioners. Now aggrieved by the decision of the Sessions Court

The petitioners have come up before this Court.

4. Counsel for the petitioner submits that the order of not summoning was an interlocutory order against which Criminal revision would not lie. He referred judgment passed by Hon'ble the Apex Court in *Adalat Prasad Vs. Rooplal Jindal*, 2004(4)RCR (Criminal) 1.

5. Counsel for the complainant submits that unnecessarily, the prosecution is being delayed on one pretext or the other and justice had not been done to the complainant. She further submits that much water has already been flown and prayed for expeditious disposal of trial.

6. In the entirety of facts and circumstances of the case, the order passed by trial court as well as Session Courts are set aside and the matter is remanded back to the trial Court to reconsider the issue not summoning petitioners No.5 and 6 only. As concerned for petitioners No.1 to 4, who were already summoned be proceeded in the matter in accordance with law. Parties are directed to appear before the trial Court on 15.05.2023 and neither they seek any adjournment nor try to delay the matter intentionally.

7. The petition is allowed to the extent above. Trial Court is requested to expedite the disposal of the matter on top priority as the same is hanging fire from the last more than 23 years.

(ANOOP CHITKARA)
JUDGE

May 03, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No