

CRR-1083-2024 (O&M) and connected case

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

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(I) CRR-1083-2024 (O&M)
Date of Decision : September 13, 2024

SANDEEP AND ANOTHER

-PETITIONERS

V/S

STATE OF HARYANA

-RESPONDENT

(II) CRM-M-20792-2024

PREMPAL

-PETITIONER

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Manjeet Singh, Advocate
for the petitioners (in CRR-1083-2024).

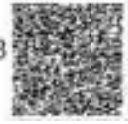
Mr. Ram Kumar Saini, Advocate
for the petitioner (in CRM-M-20792-2024) and
for the complainant (in CRR-1083-2024).

Mr. Rajesh Gaur, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Since a common order has been impugned in both these petitions, therefore, they are amenable for being decided through a common verdict.

2. As a matter of fact, during pendency of the trial launched in FIR No.35 dated 08.03.2017, under Sections 323, 325 and 341 read with Section 34 of the IPC, registered at P.S. Bawani Khera, Bhiwani, an application under Section 319 of the Cr.P.C. was filed, thereby seeking summoning of: (i) Jaipal son of Umrawat; (ii) Pawan son of Jagdish; (iii)

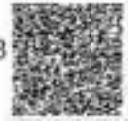
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Sandeep son of Surjeet; and (iv) Kuldeep son of Om Parkash, as additional accused. However, since the learned Magistrate concerned did not find any incriminatory evidence against the persons sought to be summoned as additional accused, the summoning application was dismissed vide order dated 05.02.2024.

3. The dismissal order dated 05.02.2024, propelled the complainant- Prempal to institute a statutory criminal revision thereagainst before the learned Additional Sessions Judge. This criminal revision partly found favour with the learned Additional Sessions Judge and as a result thereof, vide order dated 01.04.2024, accused Sandeep and Jaipal were summoned to face trial, however, the revision petition qua Pawan and Kuldeep was dismissed.

4. The order dated 01.04.2024 caused grievance not only to the newly summoned accused (supra), but also to the complainant. Resultantly, they have accessed this Court through filing the instant petitions against the order dated 01.04.2024.

5. This Court has, at length, heard the learned counsels representing the parties. The learned counsels for the parties are *ad idem* that, the order rendered by the revisional court is not in accordance with the ratio of law laid down by the Hon'ble Supreme Court in "**Hardeep Singh V/s State of Punjab**", 2014(1) RCR (Criminal) 623, therefore, the same warrants interference. They have also submitted that, in case, the revisional court had reached a conclusion that the order passed by the learned trial Court, thus dismissing the summoning application under Section 319 of the Cr.P.C., is not in accordance with law, yet it ought to have, instead of

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proceeding to draw the summoning order itself, remanded the case to the learned trial Court for afresh decision.

6. In view of the consensus (supra) arrived at between the parties, the impugned order dated 01.04.2024 is set aside and the matter is remanded to the revisional court concerned for afresh decision.
7. Both the instant petitions are disposed of accordingly.
8. Pending application(s) stand disposed of accordingly.
9. A photocopy of this order be placed on file of connected case.

September 13, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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