

250 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1180-2021 (O&M)
Date of decision: 07.02.2024

TIRLOK KUMAR

...Petitioner

V/s

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pankaj Kumar, Advocate for
Mr. B.S. Kathuria, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

None for respondent No. 2.

Mr. J.S. Lalli, Advocate for respondent No. 3.

HARPREET SINGH BRAR J. (ORAL)

1. Prayer in the present petition filed under Section 397 of Cr.P.C. read with Section 401 of Cr.P.C. is for quashing of the impugned order dated 20.08.2021 passed by learned Additional Sessions Judge, Ludhiana, vide which the application filed by the petitioner under Section 319 of Cr.P.C. for summoning the respondents No. 2 and 3 as additional accused has been dismissed.

2. Learned State counsel on instructions from ASI Joginder Singh submits that the trial of the case has concluded and the same has resulted into acquittal of the accused vide judgment dated 11.08.2023 passed by learned Additional Sessions Judge, Ludhiana.

3. Learned counsel for respondent No. 3 submits that present petition has become infructuous in view of the ratio of law laid down in **Sukhpal Singh Khaira Vs. State of Punjab 2022 Live Law (SC) 1009**. Learned counsel relying upon the aforesaid judgment submits that the it has been concluded by Hon'ble Supreme Court that the power under Section 319 of Cr.P.C. can be

exercised before the conclusion of the trial and now after the passing of the

judgment on 11.08.2023, the power under Section 319 of Cr.P.C. cannot be exercised and moreover, the trial Court while acquitting the accused, has disbelieved the entire prosecution.

4. Having heard the learned counsel for the parties and after perusing the record, this Court finds no ground to quash the impugned order dated 20.08.2021, as the learned trial Court has passed the same by considering the factual matrix of the case, in the light of the settled law. Power under Section 319 of Cr.P.C. cannot be exercised in a casual manner and the Court has to see whether it satisfies the test of more than prima facie case as culled by the Hon'ble Supreme Court in case of **Hardeep Singh Vs. State of Punjab 2014(1) ADJ 727.**

5. In view of the above, there is no merit in the present petition and the same is hereby dismissed.

(HARPREET SINGH BRAR)
JUDGE

07.02.2024

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No