



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

CRR-1688-2024 (O&M)
Date of decision: 06.09.2024

Joginder

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Parveen Kumar, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioner against the order dated 11.07.2024 passed by the Court of Judicial Magistrate Ist Class, Kaithal whereby the application filed by prosecution under Section 319 Cr.P.C for summoning of petitioner, Kripal and Bintu was allowed and they were directed to be summoned as additional accused in criminal case having FIR No.615 dated 31.12.2021 under Sections 120-B, 406, 420, 467, 468, 471, Police Station Civil Line, Kaithal.

2. The counsel for the petitioner submits that the learned trial Court passed the impugned order in a mechanical manner without assigning any reason and thus, deserves to be set aside being not passed in consonance with the statutory provisions of law.

3. I have heard the counsel for the petitioner.

4. The impugned order reads as follows:-

Present: Sh. Balinder, APP for the State

*Accused Amarjot on bail with Sh. Karam Singh Dhull, counsel.
Accused Rajender on bail with Sh. S.S. Taya, counsel.*

PW Pardeep is present and his examination-in-chief is deferred as an application under Section 319 Cr.P.C. for summoning of additional accused namely Kripal, Joginder and Bintu filed. Ld. Opposite counsel has endorsed his no objection on the said application. Heard. Keeping in view no objection, on the



said application is allowed. Now, notice to additional accused namely Kripal, Joginder and Bintu are ordered to be issued for 01.08.2024. PW Pardeep is discharged for today.

Date of Order: 11.07.2024

*Sd/-
CJ(JD)/JMJC, Kaithal,*

5. From the perusal of the impugned order, it appears to be cryptic and non speaking order. No reason is given in the said order except for that the opposite counsel has given no objection on the said application. It was the duty cast upon the Court to deal with the issue raised and thereafter to pass a reasoned order. In the instant case, the petitioner who was named in the FIR was found innocent during the investigation of the case and was not challaned and has been summoned as additional accused vide impugned order. However, the impugned order is silent as to on what grounds, the petitioner, Kripal and Bintu are summoned as additional accused. There is no finding of the trial Court to the effect that more than just a prima facie case is made out against the said persons, as is the requirement as per the settled position of law, while summoning a person as an additional accused by invoking provisions of Section 319 Cr.P.C.

6. In light of the above, the impugned order being passed by the learned trial Court without assigning any reasons, is a non speaking order and accordingly, the same is bad in law and is liable to be set aside.

7. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed and impugned order dated 11.07.2024 passed by the learned trial Court is hereby set aside. The matter is remanded to the learned trial Court with direction to pass a fresh order in accordance with law, in an application under Section 319 Cr.P.C. filed by the prosecution. The copy of this order be sent to the learned trial Court for strict compliance.

8. Pending application(s), if any, stand disposed of.

06.09.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**