

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

CRR-1695-2025

Date of Decision: 16.07.2025

MANINDER SINGH @ MONU

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Basant Sharma, Advocate for the petitioner.
Mr. Jastej Singh, Addl. A.G, Punjab.

SANDEEP MOUDGIL, J

1. This revision petition has been filed against the order dated 06.06.2025 passed by the Learned Additional Sessions Judge, Sangrur vide which application moved by the complainant under Section 319 Cr.P.C. for summoning the additional accused namely alias Monu Maninder Singh (present petitioner), has been allowed, the same being wrong, illegal, unjust, cryptic and hence, liable to be set aside by this Court.

2. It is contended by the learned counsel for the petitioner that the learned Additional Sessions Judge, Sangrur (hereinafter referred as 'trial Court') has erred in allowing the application filed under Section 319 Cr.P.C. filed by the complainant and the same is liable to be set aside being wrong illegal and unjust. It is further submitted that an enquiry was conducted by the DSP wherein it was observed that petitioner had played no role in the alleged occurrence and in fact had taken the injured (now deceased) to the hospital. He further argues that the complainant had named the petitioner in

a supplementary statement recorded on 14.05.2022 alleging that the petitioner was also present at the time when the alleged occurrence took place.

3. On the other hand, learned State Counsel and has submitted that the order passed by the learned Court below is a just and proper order and no fault can be found with it as there are specific allegations against the present petitioner that he caught hold of the arms of the deceased and had put clothe on his mouth. As such, the present petition deserves dismissal being without any force and substance.

4. Heard learned counsel for the respective parties at length and Case file perused.

5. Upon a comprehensive perusal of the impugned order, submissions of learned counsel for both sides, and the record of the case, this Court finds that the power under Section 319 Cr.P.C. empowers the Trial Court to proceed against any person not being an accused, if in the course of any inquiry or trial, evidence comes before the Court suggesting that such person has committed any offence. The threshold for summoning an additional accused under Section 319 is higher than mere suspicion, but lower than proof beyond reasonable doubt. The test is whether the evidence presented during trial, if unrebutted, would lead to conviction.

6. In the instant case, the complainant/respondent , in his deposition before the police , has made categorical allegations against the petitioner, attributing to him specific role in the commission of the offence, that the petitioner caught hold of arms of the deceased and his name finds mentions in the FIR.

7. While the petitioner relies on an enquiry report by the DSP, it must be noted that judicial proceedings and evidence recorded during trial carry greater evidentiary weight than administrative enquiries, and the same cannot override statements made under oath during trial. The Trial Court has carefully considered the statements recorded, evaluated the evidence on record, and has recorded reasons for summoning the petitioner, which cannot be termed as perverse or arbitrary.

8. **Conclusion**

In view of the above discussion, this Court finds no infirmity or illegality in the order passed by the Trial Court. The impugned order dated 06.06.2025 is based on sound reasoning and is supported by the material placed on record. Accordingly, the revision petition is dismissed, being devoid of merit. However, it is clarified that any observation made herein shall not affect the merits of the trial, and the Trial Court shall proceed in accordance with law, uninfluenced by any remarks made in this order.

(SANDEEP MOUDGIL)
JUDGE

16.07.2025
anuradha(a)

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No