

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

Sr. No.133

CRM-M-13549-2026
Date of Decision: 13.05.2026

PREMPAL SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents

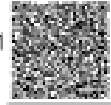
CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Sandeep Kumar, Advocate
for the petitioner.

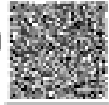
Mr. Sahil Chowdhary, AAG, Punjab.

MANDEEP PANNU, J. (Oral)

1. The present petition under Section 528 of the BNSS (Section 482 Cr.P.C.), 2023 has been filed for quashing of order dated 05.02.2026 (Annexure P-10) passed by the learned Additional Sessions Judge, Ludhiana in Criminal Revision No.953 of 2024, instituted on 20.12.2024, titled as “*Prem Pal Singh Vs. State of Punjab*”, whereby the revision petition preferred by the petitioner against the order dated 28.02.2024 (Annexure P-9) passed by the learned Judicial Magistrate First Class, Ludhiana in FIR No.62 dated 25.04.2019, registered under Sections 420 and 120-B IPC (now Sections 318 and 61 of the BNS) at Police Station Dakha, District Ludhiana, came to be dismissed. The present petition has further been filed for quashing of order dated 28.02.2024 (Annexure P-9) passed by the learned Judicial Magistrate First Class, Ludhiana in the aforesaid FIR, whereby the petitioner has been summoned as an additional accused to face trial along with the other co-accused.

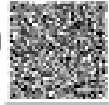


2. Briefly stated, the present FIR was registered on the allegations levelled by complainant Jatinder Singh that he had approached co-accused Simmi Kapoor for sending his daughter abroad to Canada on the basis of a Nanny course. It was alleged that Simmi Kapoor, in connivance with her associates including the present petitioner Prem Pal Singh, induced the complainant and received an amount of about Rs.15 lakhs on the pretext of arranging visa and travel documents. It was further alleged that despite receiving the said amount and documents, the accused persons neither sent the complainant's daughter abroad nor returned the money, thereby cheated the complainant. During inquiry and investigation, the name of the present petitioner surfaced alleging his involvement along with the other co-accused in the alleged transaction. It is further the case of the petitioner that an application was moved by the father of the petitioner asserting the innocence of the petitioner, pursuant where to an inquiry was conducted by the Superintendent of Police, PBI, Ludhiana Rural. During the said inquiry, the petitioner was found innocent and accordingly his name was kept in column No.2 in the final report/challan presented before the trial Court. Thereafter, during the course of trial, statement of PW-1/complainant Jatinder Singh came to be recorded before the learned trial Court. After recording of examination-in-chief of PW-1/complainant Jatinder Singh, an application under Section 319 Cr.P.C. came to be moved by the learned Assistant Public Prosecutor for the State, assisted by learned counsel for the complainant, for summoning Simmi Kapoor and the present petitioner Prem Pal Singh as additional accused to face trial in the case. Upon hearing learned counsel for the parties and considering the material



available on record, the learned Judicial Magistrate First Class, Ludhiana passed the impugned order dated 28.02.2024.

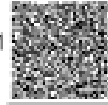
3. Vide the aforesaid order, the learned JMFC, Ludhiana observed that specific allegations had been levelled against the present petitioner in the FIR as well as in the statement of PW-1 Jatinder Singh to the effect that the petitioner had accompanied co-accused Simmi Kapoor and Cherry Dhingra at the time when an advance amount of Rs.2,00,000/- was paid and that the petitioner had assured the complainant regarding sending his daughter to Canada. The learned trial Court further observed that PW-1 had consistently deposed about the involvement of the petitioner in the entire process and handing over of money to the accused persons and, accordingly, held that more than a *prima facie* case was made out for summoning the petitioner to face trial for offences under Sections 420 and 120-B IPC. Consequently, the application under Section 319 Cr.P.C. was allowed qua the present petitioner and he was ordered to be summoned as an additional accused. However, qua co-accused Simmi Kapoor, the learned trial Court held that the application under Section 319 Cr.P.C. was not maintainable, as the Investigation Agency had kept her in column No.2 on the ground that proclamation proceedings had already been initiated against her and, therefore, she had not been exonerated by the Investigating Agency. Consequently, the application under Section 319 Cr.P.C. was declined qua Simmi Kapoor. Aggrieved against the aforesaid order dated 28.02.2024 passed by the learned Judicial Magistrate First Class, Ludhiana, the petitioner/revisionist Prem Pal Singh preferred a criminal revision petition before the Court of learned Additional Sessions Judge, Ludhiana, assailing



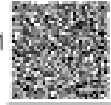
the legality and correctness of the order whereby he had been summoned as an additional accused under Section 319 Cr.P.C. to face trial along with the other co-accused.

4. Vide impugned order dated 05.02.2026 passed by the learned Additional Sessions Judge, Ludhiana in *Criminal Revision No.953 of 2024 titled as "Prem Pal Singh Vs. State of Punjab"*, the revision petition preferred by the present petitioner Prem Pal Singh came to be dismissed. The learned Revisional Court observed that specific allegations had been levelled against the petitioner in the complaint and that he had accompanied the co-accused persons during meetings with the complainant and was also present at the time when the amount was allegedly delivered to them. The learned Revisional Court further observed that the evidence collected during investigation as well as the statement recorded before the trial Court disclosed sufficient material against the petitioner and, accordingly, upheld the order dated 28.02.2024 passed by the learned Judicial Magistrate First Class, Ludhiana summoning the petitioner as an additional accused under Section 319 Cr.P.C. Feeling aggrieved against the aforesaid orders dated 28.02.2024 passed by the learned Judicial Magistrate First Class, Ludhiana and dated 05.02.2026 passed by the learned Additional Sessions Judge, Ludhiana, the present petition has been filed by the petitioner Prem Pal Singh under Section 528 of the BNSS seeking quashing of the impugned orders whereby he has been summoned as an additional accused to face trial in the above-mentioned FIR.

5. Learned counsel for the petitioner contends that the impugned orders passed by the learned Judicial Magistrate First Class, Ludhiana as

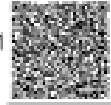


well as the learned Revisional Court are wholly illegal, arbitrary and contrary to the settled principles governing exercise of powers under Section 319 Cr.P.C. It is argued that no fresh evidence or new incriminating material surfaced during the course of trial and the statement made by PW-1 before the trial Court was merely reiteration of the allegations already levelled in the FIR. It is further contended that pursuant to a detailed inquiry conducted by the Superintendent of Police, PBI, Ludhiana Rural, the petitioner was found innocent and accordingly his name was kept in column No.2 in the challan presented before the Court. Learned counsel submits that even the Investigating Agency could not collect any material establishing involvement of the petitioner in the alleged offence. It is further argued that the learned trial Court failed to appreciate that the extraordinary power under Section 319 Cr.P.C. is to be exercised sparingly and only where strong and cogent evidence emerges against a proposed accused indicating a reasonable prospect of conviction. Learned counsel contends that the impugned order has been passed in a routine and mechanical manner without proper appreciation of the material collected during investigation and without recording adequate reasons satisfying the stringent standard required for summoning an additional accused under Section 319 Cr.P.C. It is further submitted that the petitioner was sought to be summoned solely on the basis of omnibus allegations and improved version made by the complainant during examination-in-chief, despite there being no corroborative material on record. Learned counsel for the petitioner further submits that the learned Courts below failed to consider that the petitioner was neither charge-sheeted by the police nor arrested during investigation and that the material



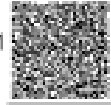
collected during investigation did not disclose his complicity in the alleged offence. It is contended that the possibility of conviction of the petitioner on the basis of the material available on record is remote and, therefore, the impugned summoning order deserves to be set aside. It is also contended that PW-1/complainant Jatinder Singh had not been subjected to cross-examination at the time when the impugned order under Section 319 Cr.P.C. came to be passed and, therefore, his examination-in-chief alone could not have been treated as substantive evidence for the purpose of summoning the petitioner as an additional accused. Learned counsel submits that in the absence of cross-examination, the testimony of PW-1 had not attained evidentiary value and the same could not legally form the sole basis for invoking powers under Section 319 Cr.P.C.

6. Learned State counsel appeared on behalf of respondent No.1-State and contested the present petition. He submits that the impugned orders passed by the learned Courts below are perfectly legal and do not suffer from any illegality or perversity warranting interference by this Court in exercise of jurisdiction under Section 528 of the BNSS. It is contended that specific allegations have consistently been levelled against the present petitioner right from the inception in the FIR as well as in the statement of PW-1/complainant Jatinder Singh recorded before the learned trial Court. Learned State counsel submits that the complainant has categorically deposed that the petitioner had accompanied co-accused Simmi Kapoor and Cherry Dhingra during meetings with the complainant, had participated in the negotiations regarding sending the complainant's daughter to Canada and was present at the time when the amount of Rs.2,00,000/- was handed

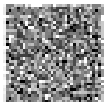


over to the accused persons. It is further contended that the evidence recorded during trial clearly discloses active participation of the petitioner in the alleged occurrence and, therefore, the learned trial Court had rightly exercised powers under Section 319 Cr.P.C. to summon the petitioner as an additional accused.

7. I have heard learned counsel for the parties and have gone through the paper-book as well as the impugned orders passed by the Courts below. The principal contention raised on behalf of the petitioner is that PW-1/complainant Jatinder Singh had not been cross-examined at the time when the impugned order under Section 319 Cr.P.C. came to be passed and, therefore, his examination-in-chief could not have been relied upon for summoning the petitioner as an additional accused. However, the said contention deserves to be rejected in view of the authoritative pronouncement of the Constitution Bench of the Hon'ble Supreme Court in ***Hardeep Singh v. State of Punjab 2014(1) RCR (Criminal) 623*** wherein while answering Question No.2, it was specifically held that the word "evidence" used in Section 319(1) Cr.P.C. does not mean only such evidence which has been tested by cross-examination and that the Court can exercise powers under Section 319 Cr.P.C. even on the basis of statement made in examination-in-chief of the witness concerned. The Hon'ble Supreme Court further held that since under Section 319 Cr.P.C. a person is only summoned to face trial and proceedings against such person commence from the stage of cognizance, the Court need not wait for the evidence to be tested by cross-examination before exercising powers under the said provision.



8. In the present case, a perusal of the impugned order dated 28.02.2024 passed by the learned Judicial Magistrate First Class, Ludhiana would show that sufficient material had emerged during the examination-in-chief of PW-1/complainant Jatinder Singh specifically regarding the involvement of the present petitioner. The complainant categorically deposed before the learned trial Court that the petitioner had accompanied co-accused Simmi Kapoor and Cherry Dhingra in connection with sending his daughter abroad, that the petitioner had participated in the discussions held in March 2018 regarding sending the complainant's daughter to Canada and that an amount of Rs.2,00,000/- was handed over in the presence of and to the accused persons including the present petitioner. The learned trial Court also noticed that such allegations were not altogether new and rather found mention in the FIR itself. No doubt, the petitioner had earlier been found innocent during inquiry conducted by the Superintendent of Police, PBI, Ludhiana Rural and his name was kept in column No.2 of the challan. However, it is trite law that while exercising powers under Section 319 Cr.P.C., what is required to be examined by the Court is the evidence that surfaces during the course of trial. Merely because a person was not charge-sheeted or was kept in column No.2 would not by itself operate as a bar against summoning such person as an additional accused if evidence recorded before the trial Court discloses his involvement in the commission of offence. The complainant, who appeared as PW-1 before the learned trial Court, is the star witness and the victim of the alleged occurrence. He has specifically attributed an active role to the present petitioner in the entire transaction and has categorically stated about his participation during



meetings and receipt of money from the complainant party. At the stage of Section 319 Cr.P.C., the Court is not expected to conduct a meticulous appreciation of evidence as if finally adjudicating the guilt of the accused. Rather, the Court is only required to see whether strong and cogent evidence has surfaced indicating involvement of the proposed accused.

9. In the considered opinion of this Court, the learned trial Court as well as the learned Revisional Court rightly appreciated the material available on record and no illegality or perversity can be said to have been committed while summoning the petitioner as an additional accused.

10. Consequently, finding no merit in the present petition, the same is hereby dismissed.

11. All pending applications, if any, also stand disposed of.

13.05.2026
Anu

(MANDEEP PANNU)
JUDGE

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