



CRR No.710 of 2024 (O&M) 1

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

05

CRR No.710 of 2024 (O&M)

Reserved on: 19.02.2026

Pronounced on: 25.02.2026

Parminder Singh @ Kulwant Singh

.....Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Gurinder Singh Brar, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

Mr. Santpal Singh Sidhu, Sr. Advocate with
Mr. Deepdaman Singh Maan, Advocate
for the respondent No.2.

SURYA PARTAP SINGH, J. (Oral):

1. This is a revision petition, whereby the order dated 09.11.2023 passed by the learned Additional Sessions Judge Sri Muktsar Sahib, hereinafter being referred to as 'trial Court' only, has been impugned. The above mentioned order has been passed on an application moved by the prosecution under Section 319 Cr.P.C. in a trial pertaining to commission of offence punishable under Sections 302, 297, 201, 34 IPC and Sections 25/27/54/59 of Arms Act.

2. In nut-shell the facts emerging from record are that, that for the commission of above mentioned offence the FIR No.21 dated 31.01.2020 was lodged in Police Station Kotbhai, District Sri Muktsar Sahib, at the instance of 'Parminder Singh', who had stated before the police that on 31.01.2020 he

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along with his uncle 'Sukhchain Singh' and 'Baljinder Singh' was levelling earth for an under construction house nearby '*dhani*' (Small Hamlet) of his uncle 'Rajveer Singh'. As per complainant when his father 'Jaswinder Singh' and mother 'Sukhpal Kaur' were going towards the above mentioned spot on a motorcycle, on the way in front of house of 'Rajveer Singh' they were waylaid by 'Rajveer Singh' armed with revolver, 'Dalour Singh' armed with 12 bore gun, his sons 'Chamkaur Singh' and 'Balkaur Singh' and wife 'Ranjit Kaur'. It was further stated by the complainant the first of all 'Rajveer Singh' fired a gun shot hitting the head of 'Jaswinder Singh' and when he fell down 'Sukhpal Kaur' tried to run away but 'Chamkaur Singh' picked up the revolver from 'Rajveer Singh' and fired a gun shot on the back of 'Sukhpal Kaur' and she, too, fell down in the fields. According to above-named complainant, thereafter 'Balkaur Singh' took revolver from 'Chamkaur Singh' and fired gun shot on the chest and head of 'Sukhpal Kaur' and thereafter 'Dalour Singh' fired gun shots in the air. It was also stated by the complainant that Ranjit Kaur had exhorted to teach them a lesson, and that on account of above mentioned injuries his parents 'Jaswinder Singh' and 'Sukhpal Kaur', both, died on the spot itself.

3. A perusal of record shows that on the basis of above mentioned statement once the FIR was lodged and the investigation taken up, the Investigating Agency observed that allegations with regard to involvement of 'Chamkaur Singh' and 'Dalour Singh' were not true, and therefore, the challan was not filed against the above mentioned two accused. Once the challan was filed and the trial commenced against three other accused, during the course of

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trial the statement of complainant 'Parminder Singh' was recorded as PW-1. In view of contents of above-mentioned statement an application under Section 319 Cr.P.C. was filed by the prosecution, seeking summoning of Chamkaur Singh and Dalour Singh as additional accused.

4. The learned trial Court considered the above mentioned application and allowed the same vide order dated 07.10.2021. As a result of above-mentioned order 'Chamkaur Singh' and 'Dalour Singh' were summoned as additional accused. The order dated 07.10.2021 was challenged by the above-named two additional accused by filing a revision petition, i.e. CRR-1384-2021. The above mentioned revision petition was allowed by this Court vide order dated 15.11.2022 in the following words:-

“Therefore, in view of the aforesaid facts and circumstances, this Court deems it fit and proper to set aside the order passed by the learned Sessions Judge, Sri Muktsar Sahib dated 07.10.2021 and the learned Sessions Judge, Sri Muktsar Sahib is directed to pass a fresh order on the application moved by the prosecution under Section 319 Cr.P.C. in the light of law laid down by the Hon'ble Supreme Court in Hardeep Singh's Case (supra). The fresh order shall be passed as expeditiously as possible and in accordance with law. It is made clear that while passing the fresh order the learned Sessions Court would not be influenced by any observation made in the earlier order passed on 07.10.2022 and the orders passed by this Court in the present case.”

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5. While arriving at the above mentioned conclusion following observations were also recorded by this Court:-

“Whenever, a person is to be summoned as an additional accused then it has to be bagged by strong and cogent reasons. However, perusal of the impugned order would show that no proper reason has been assigned and it has been so observed that evidence which has come up till now which is more than prima facie evidence and sufficient for summoning the petitioners as additional accused. However, the evidence with regard to the investigation of the police pertaining to plea of alibi was not considered and taken into consideration and in fact the entire totality has to be seen before arriving at a conclusion as to whether a person is to be summoned as an additional accused or not.”

6. In view of directions issued above, the impugned order has been passed. By virtue of impugned order the learned trial Court agreed to summon Chamkaur Singh as additional, accused but did not agree to summon Dalour Singh as accused.

7. Aggrieved of the above mentioned order the present petition has been filed by the complainant alleging that without proper appreciation of evidence available on record, and by ignoring the relevant law the learned trial Court has wrongly observed that the evidence available on record against the respondent No.2 Dalour Singh was not sufficient and good enough to met the requirement prescribed for summoning of additional accused under Section

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319 Cr.P.C. It has been pleaded by the petitioner that the impugned order is an outcome of assumptions and presumptions and that the reliable evidence available on record, led by the prosecution, has not been properly analysed. While claiming that on the basis of conjectures and surmises a wrong conclusion has been drawn, the petitioner has sought intervention of revisional jurisdiction of this Court for summoning of respondent No.2 as additional accused.

8. Heard.

9. It has been contended on behalf of the petitioner that in the present case this is the second round of litigation which has come to this Court with regard to summoning of additional accused. As per learned counsel for the petitioner, on record there is very specific and categorical allegations of the complainant, right from the very beginning, that 'Chamkaur Singh' and the respondent No.2, both, had actively participated in the commission of crime and that both of them had fired gun shots. According to learned counsel for the petitioner, it has been duly proved that the bullet fired by 'Chamkaur Singh' hit the mother of complainant, whereas the respondent No.2 had fired gun shot in the air to create fear, and deter others from helping the victims. The learned counsel for the petitioner, from the conduct of respondent No.2 it is established beyond doubt that the attack was pre-planned and the respondent No.2 was involved in the execution of that planing.

10. In addition to above, it has also been contended by learned counsel for the petitioner that on the basis of same evidence earlier also, the order for summoning of the respondent No.2, as additional accused, was

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passed but when the above mentioned order was challenged before this Court in CRR-1384-2021, this Court set aside the above-said order and asked the learned trial Court to look into the material/evidence collected by the investigating Agency only, and not to simply form its opinion upon the evidence adduced by the prosecution during the course of trial. According to learned counsel for the petitioner the above mentioned directions issued by this Court have been misinterpreted by the learned trial Court and that without any basis merely on the basis of assumptions it has been observed by the learned trial Court that petitioner has been rightly declared innocent by the Investigating Agency.

11. It has also been contended by learned counsel for the petitioner that one of the strange thing in the present case is that the evidence available on record, against the respondent No.2, is exactly the same which is available against co-accused 'Chamkaur Singh', but the learned trial Court without there being any distinguishable factor, has taken a diagonally opposite view qua the respondent No.2. Thus, the other accused, namely 'Chamkaur Singh' has been summoned to face the trial as an additional accused, but the respondent No.2 has been exonerated on the ground of lack of evidence. While claiming that an error of judgment has been committed by the learned trial Court, the learned counsel for the petitioner has sought the intervention of this Court and requested that by setting aside the impugned order the learned trial Court be directed to summon the respondent No.2 and direct him to face the trial as an additional accused.

12. In support of his argument, the learned counsel for the petitioner

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has referred to the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Neeraj Kumar @ Neeraj Yadav Vs. State of U.P. and Ors.' SLP (Crl.) No.7518 of 2025, wherein the Hon'ble Supreme Court of India while believing the statement of two witnesses observed that denial of summoning of additional accused by the High Court was not in accordance with law.

13. The learned State counsel has not controverted the above mentioned arguments.

14. However, the learned counsel for the respondent No.2 has controverted the above mentioned arguments. According to learned counsel for the respondent No.2 in the present case on 07.10.2021 the order for summoning of accused No.2 was passed without non-application of mind and therefore, this Court, vide order dated 15.11.2022, had set aside the above mentioned order. As per learned counsel for the petitioner in view of directions issued by this Court vide order dated 15.11.2022 the evidence and the factual matrix of the instant case have been re-appreciated by the learned trial Court and a right view has been drawn, while holding that there is no sufficient evidence against the respondent No.2, and that he is innocent. While claiming that there is no scope for indulgence and interference in the impugned order the learned counsel for the respondent No.2 has contended that the present petition is devoid of merit and deserve dismissal.

15. The learned counsel for the respondent No.2 in support of his arguments has referred to the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Brijendra Singh and Ors. Vs. State of

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Rajasthan' 2017(3) RCR (Criminal) 374, wherein it has been observed that if during investigation on the basis of documents it is found by the investigating agency that the accused were away to a distant place on the day of occurrence, and did not file charge-sheet against them, the trial Court cannot summon the above said person on the basis of examination-in-chief of the complainant and his witnesses.

16. The record has been perused carefully.

17. In the present case, at the very outset, it is pertinent to mention here that one of the most important aspect to be taken into consideration is that there cannot be any quarrel with regard to the events which have been taken place during the course of trial in the present case. Those are:-

- a) that the FIR of this case came into being at the instance of Praminder Singh on 31.01.2020;
- b) that in the above mentioned statement the petitioner had implicated five persons as accused, namely Rajveer Singh, Chamkaur Singh, Dalour Singh, Balkaur Singh and Ranjit Kaur;
- c) that the police had not filed challan against Chamkaur Singh and Dalour Singh;
- d) that during the course of trial when charges were framed by the learned trial Court, the learned trial Court asked the prosecution to lead evidence. In the prosecution evidence, the complainant, namely Parminder Singh, (petitioner herein) appeared before the trial Court and deposed as PW-1. On the basis of above

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mentioned statement an application under Section 319 Cr.P.C. was moved by the prosecution, seeking for summoning of Chamkaur Singh and Dalour Singh as additional accused;

- e) that the above mentioned application was allowed, in toto, by the learned trial Court vide order dated 07.10.2021. The order dated 07.10.2021 was challenged by the respondent No.2 & 'Chamkaur Singh' and the above-said revision petition was allowed by this Court on 15.11.2022;
- f) that vide order dated 15.11.2022 this Court had directed the learned trial Court to re-consider the matter. After reconsideration the learned trial Court vide impugned order has observed that the respondent No.2 has been rightly declared innocent by the Investigating Agency.

18. In the light of above mentioned facts and circumstances if the impugned order is examined, it transpires that one of the plea which has been considered by the Investigating Agency, leading to a conclusion that the respondent No.2 was not involved in the commission of offence, is that on the date of incident the respondent No.2 was not present at the place of occurrence. The Investigating Agency during the course of investigation had examined the veracity of claim of this claim of the respondent No.2 that at the time of occurrence he was present at a far away place, i.e. in Jaipur.

19. It is relevant to note that with regard to role played by the respondent No.2 and 'Chamkaur Singh' an inquiry was conducted by the then Deputy Superintendent of Police Gidderbha, who submitted a report to Senior

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Superintendent of Police, Sri Muktsar Sahib on 17.02.2019. In the above mentioned inquiry report while verifying train tickets, the appointment with the doctor at Jaipur, the video footage captured by the CCTV camera of 'Sawai Maan Singh Hospital Jaipur' and the booking details of the hotel where Chamkaur Singh and respondent No.2 had stayed, the above-named enquiry officer concluded that 'Chamkaur Singh' and 'Dalour Singh' were innocent. In view of above mentioned report, while appreciating the entire evidences the report under Section 173 Cr.P.C. was filed for the prosecution of three persons only, namely 'Rajveer Singh', 'Balkaur Singh' and 'Ranjit Kaur'.

20. The above mentioned report make it clear that there is a plea of *alibi*, raised by the respondent No.2 & his co-accused 'Chamkaur Singh', and the above mentioned plea of alibi was thoroughly examined by a Senior Police Officer and on the basis of convincing and irrefutable evidence, i.e. the details for booking of tickets in the train, the bills issued by the hotel in Jaipur, where respondent No.2 and Chamkaur Singh stayed, the statement of Manager of the hotel, the prescription slip issued by Sawai Maan Singh Hospital Jaipur and the video footage captured by the CCTV camera, qua which the requisite certificate of authenticity was issued by the competent officer of the above mentioned hospital, makes it abundantly clear that this possibility was ruled out that the respondent No.2 might have been present on the spot at the time of occurrence.

21. Although, the above-mentioned evidence was relied upon by the Investigating Agency, yet to belie, the same the prosecution has relied upon the statement of complainant, recorded by the learned trial Court on oath. There

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cannot be a denial of the fact that the statement of complainant (petitioner herein) before the police prior to registration of FIR and in the Court, as PW-1, are thoroughly consistent with regard to involvement of respondent No.2 in the commission of crime, but while exercising the jurisdiction under Section 319 Cr.P.C as observed by the Hon'ble Supreme Court of India in the case of 'Brijendra Singh and Ors. (supra)', it is the duty of the learned trial Court to find out as to whether the statements on oath of prosecution witnesses are worth reliable or not.

22. As far as the principle laid down by the Hon'ble Supreme Court of India in the case of 'Neeraj Kumar (supra)' are concerned the same are not applicable to the facts and circumstances of the present case, as in the present case there is comprehensive and reliable evidence to support the plea of alibi of the respondent No.2, whereas the facts in the case of 'Neeraj Kumar (supra)' were altogether different. In the above mentioned case there was a dying declaration of the victim which nowhere exists in the instant case. Thus, it is hereby held that the principle of law laid down in the above mentioned case is not applicable to the factual matrix of the present case.

23. In the present case, in view of irrefutable evidence collected by the Investigating Agency which was thoroughly consistent, impeaches the credibility of the testimony of PW-1 qua the fact that respondent No.2 was involved in the commission of crime. Therefore, it is hereby observed that the observations of the learned trial Court whereby it has refused to summon the respondent No.2 as additional accused is not suffering from illegality or perversity, and therefore, there is no scope of indulgence and interference of



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appellate jurisdiction of this Court in the impugned order. As a sequel to above mentioned observations, it is hereby observed that the present petition is devoid of merit and deserve dismissal. Hence, the same is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

25.02.2026
Manoj Bhutani

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