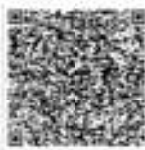


2026:PHHC:048771



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

SR. NO.106

**CRR-996-2022 (O&M)
RESERVED ON:16.03.2026
DATE OF DECISION:30.03.2026**

HRPREET SINGH @ HAPPY

...PETITIONER(S)

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present: Mr. Akhilesh Vyas, Advocate
for the petitioner.

Mr. Sartaj Singh Gill, DAG, Punjab.

Mr. Naveen Batra, Advocate
for respondent No.2.

N.S. SHEKHAWAT, J.

1. The petitioner has filed the present petition against the order dated 17.12.2021 passed by the Sessions Judge, Rupnagar, whereby the application filed by the State under Section 319 Cr.P.C. to summon the petitioner as an additional accused to face trial in case FIR No.206 dated 09.11.2020 under Sections 307/506/120-B/34 IPC at Police Station Nurpur Bedi, District Rupnagar, was allowed.

2. While issuing notice of motion on 13.5.2022, learned counsel for the petitioner had raised the following submissions:-

*“....The counsel for the petitioner contends that the petitioner who is serving in Indian Army was falsely named in the FIR by complainant Charanjit Singh to be the person who was driving scooter on which main accused Jolly reached the spot and fired shot, which hit complainant Charanjit Singh. The counsel further contends that during investigation of the case, it was found that the petitioner was not driving aforesaid scooter and rather the scooter/two-wheeler was driven by Paramjit Singh @ Pammi, who was arrested by the police on 16.11.2020. The counsel further contends that during investigation the petitioner was found innocent and accordingly he was placed in Column No.2 of the challan. The counsel further contends that the petitioner has been summoned as an additional accused by the trial Court under Section 319 Cr.P.C., vide impugned order. The counsel further contends that it is well settled law that power under Section 319 Cr.P.C. is a discretionary and extraordinary power which should be exercised sparingly. The counsel contends that in the present case the discretion has not been exercised by the trial Court, judiciously and as such the impugned order deserves to be set aside. In support of his arguments, the counsel for the petitioner referred to **Hardeep Singh vs State of Punjab and Ors., 2014(3) SCC 92...**”.*

3. During the course of arguments today, learned counsel for the petitioner has reiterated the above submissions and submitted that, it was established during investigation that Parmjeet Singh alias Pammi was driving the motorcycle. Even one .315 bore country-made pistol along with two live cartridges were also recovered from him. Even another accused Pradeep Kumar alias Honey was arrested on 16.11.2020 and one live cartridge of .315 bore was recovered from him also. Even Parmjeet Singh alias Pammi admitted that they had purchased and brought country made pistols along with cartridges from U.P. in the car of Pradeep Kumar. As a

consequence, Rahul Sharma alias Julie, Parmjeet Singh alias Pammi, and Pradeep Kumar alias Honey were ordered to be challaned, whereas petitioner was kept in column No. 2.

4. Learned counsel further submitted that the petitioner was serving in Indian Army and had no concern with the entire occurrence. Even he had been involved only with a view to harass and humiliate him as he was a government servant. In fact, the presence of the petitioner at the place of incident was completely wrong and baseless, and the statements of Harmesh Lal, Rajesh Kumar alias Bablu, Anmol Singh, and Kesar Singh clearly showed that he was not even present at the place of alleged occurrence. Thus, the impugned order is liable to be set aside.

5. On the other hand, learned State Counsel has vehemently opposed the submission made by the learned counsel for the petitioner on the ground that a specific role was assigned to him and he was rightly summoned by the trial court on the strength of the evidence led by the prosecution.

6. This Court has heard the learned counsel for the parties and perused the case file carefully.

7. In the present case, as per the evidence of prosecution, it is clear that the main allegations are levelled only against Rahul Sharma alias Jolly, co-accused, who took out a country-made pistol from his dub and fired a shot straight away towards Charanjeet Singh complainant, which hit on the left side of his flank and blood started oozing. It was shown that the petitioner was driving the scooter on which Rahul Sharma alias Joli was traveling. However, the said allegation was investigated by the police and it

scooter of Rahul Sharma alias Joli and the petitioner was not even present at the place of occurrence. Further, during investigation, not only Parmjeet Singh alias Pammi had confessed that he was driving the scooter in question, but he was interrogated and pursuant to his disclosure statement, he also got recovered one .315 bore country-made pistol and two live cartridges. Apart from that, it was also found that Pradeep Kumar, third accused, was also involved in the present case and even he was also challaned by the police. Thus, it has been found that three persons were present at the place of alleged occurrence and the trial court had wrongly summoned the petitioner as an additional accused in the present case. In fact, Charanjeet Singh, complainant/injured, had only suffered injury, which was attributed to Rahul Sharma alias Jolly and no other overt act has been assigned to the petitioner in the instant case.

8. In view of the above discussion, the present petition is allowed and the order dated 17.12.2021 passed by the Sessions Judge, Rupnagar is set aside and the application under Section 319 Cr.P.C. is ordered to be dismissed. Pending application(s), if any, shall stand disposed off.

30.03.2026
mks

(N.S.SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO