



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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**CRM-M-23581-2026 (O&M).
Date of Decision: 27.05.2026.**

Gurdeep Singh

....Petitioner.

VERSUS

State of Punjab and another

....Respondents.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Jatinder Pal Singh, Advocate for the petitioners.

Mr. Vinay Malhotra, Deputy Advocate General, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Petitioner-Gurdeep Singh, aged 60 years, has filed the instant petition u/s 528 of BNSS, 2023 for setting aside the order dated 13.03.2026 (Annexure P-8) passed by learned Additional Sessions Judge, Moga in CRR No.45 of 2024 titled 'Tarlochan Singh vs. State of Punjab', whereby order dated 02.05.2024 (Annexure P-6), passed by learned Judicial Magistrate Ist Class, Moga, summoning respondent No.2 as an additional accused under Section 319 Cr.P.C. in case FIR No.232 dated 18.11.2021, Police Station Dharamkot, District Moga, has been set aside.

2. Paragraph 9 of the impugned order, whereby the summoning order under Section 319 Cr.P.C. passed by the trial Court has been reversed, reads as under:-

“9. From the perusal of record, it revealed that the complainant Gurdeep Singh made a statement to the SHO, PS Dharamkot on 18.11.2021, wherein, he has stated that his nephew is running the furniture shop adjoining to the palace, who informed about the occurrence to his known persons. He further stated that at the time of occurrence Tarlochan Singh was giving directions to the other assailants, who committed crime against the complainant on 18.11.2021, at about 3:00 pm, at Shagan Marriage Palace, Dharamkot. Thereafter, supplementary statement of the complainant was recorded on 20.11.2021, wherein he named some other armed persons. However, the inquiry in the matter was conducted by the DSP, Dharamkot, who has obtained the call details of the revisionist having phone No.98559-92636, as per which, on 18.11.2021, at about 3:00 pm, the location of Tarlochan Singh was at Government Hospital, Faridkot where he went to take some medicine. Moreover, civil litigation between the mother of the revisionist and the complainant and his brother is pending, which is prior to the registration of the FIR, as per which, the mother of the revisionist has been granted ex-parte injunction on 1.11.2021 restraining the complainant and his brother from alienating the property or interfering in the possession of the mother of the revisionist on ½ share of the Shagan Marriage Palace. Keeping in view the said inquiry report, pendency of the civil litigation between the parties prior to the registration of the FIR and keeping in view the fact that the complainant himself has not seen the accused committing the alleged offences, no more than prima-facie case was made out against the revisionist to summon him as additional accused to face trial. Hence, the impugned order has been passed by the learned trial Court without applying the judicial mind and against the settled law as standard of proof required at the time of summoning additional accused should be more than a prima-facie case.”

3. Once there is a categoric observation by the Revisional Court that more than a *prima facie* case is not made out against the proposed summoned accused, in view of the Constitutional Bench judgment i.e. ***Hardeep Singh vs. State of Punjab & Ors, 2014 (3) SCC 92***, no error is noticed in the observation, which is further supported with an inquiry report prepared by the Deputy Superintendent of Police that as per location of the mobile phone, on 08.11.2021 at about 3 PM, proposed accused Tarlochan Singh was at Government Hospital, Faridkot and even petitioner did not notice the accused committing the alleged offence. Thus, this Court does not find any ground calling for any interference in the impugned order. Consequently, the **petition stands dismissed**.

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

(SANJAY VASHISTH)
JUDGE

27.05.2026
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No