

2026:PHHC:010197



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

CRM-M-28440-2020

Date of decision : 23.01.2026

Uploaded on: 23.01.2026

TEJVIR SINGH

... Petitioner

Versus

STATE OF PUNJAB & ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vaibhav Narang, Advocate
for the petitioner (through V.C.).

Ms. Navreet Kaur Barwala, Asstt. A.G., Punjab.

Mr. Hakam Singh, Advocate
Ms. Amrita Negi, Advocate and
Mr. Ajay Singh Virk, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 03.05.2024 (Annexure P-7) passed by the Additional Sessions Judge, Ludhiana whereby the revision petition filed by respondent No.2 has been allowed and the Addl. Sessions Judge, Ludhiana has set aside the order dated 20.11.2023 (Annexure P-6) passed by the Judicial Magistrate, 1st Class, Ludhiana whereby respondent No.2 has been summoned under Section 319 Cr.P.C. to face trial in FIR No.01 dated 05.01.2019 registered under Sections 323, 341, 506, 34 IPC at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana.

2. The brief facts of the case are that the petitioner-complainant (hereinafter known as the petitioner) got registered an FIR No.01 dated 05.01.2019 under Sections 323, 341, 506, 34 IPC Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana, the contents of which read as under:-

“Statement of Tejvir Singh son of Sarabjit Singh son of Ajmer Singh resident of Jadtauli, Tehsil and district Ludhiana. Aged around 21 years, mobile no. 9814091094 made a statement that I am resident of above said address and we do the work of brick kiln, my mother Smt. Sandeep Kaur Dhillon was candidate in the election of Sarpanch election. On 29.12.2018 I along with my father Sarabjit Singh on my car was coming back to house from our brick kiln. I was driving the car, at around 9.30 when we reached near the house of PM Davinder Singh son of Sher Singh, resident of village Jadtauli, Ludhiana then Jaspreet Singh son of Sikander Singh, Amrik Singh son of Najar Singh, Kulwant Singh son of Ujagar Singh, Patti Dariya Bhupinder Singh son of Gurdial Singh resident of village Jadtauli Tehsil and District Ludhiana were sitting near bonfire, they were having baseball and Hockeys after seeing my car coming they came in front of my car and encircled my car and they have pulled out myself and my father out of car. They started giving beating to me and my father then Jaspreet Singh with his Hockey gave a blow on my forehead and again Jaspreet Singh gave a 3 hockey blow on my right leg on the front side and Amrik Singh gave fist blow on my face, Kulwant Singh and Bhupinder Singh strangulated my neck with their hands, Amrik Singh gave a stick blow on my head, in order to save myself I brought forward my left arm which hit on the wrist of left arm and they also gave fist blows upon me and we raised raula Mar Ditta Mar Ditta then after hearing our voice Rajwinder Singh son of Ujagar,

Varinder Singh son of Mahinder Singh and Kuldeep Singh former Sarpanch residents of village Jadtauli Ludhiana came there, who save us myself and my father from them, otherwise we would have suffered more injuries. Above said persons gave threatening to myself and my father to kill and threatened that they would teach us lesson how to contest the election of Sarpanch and along with their weapons they ran towards village. Then on the spot 108 ambulance came in which I myself and my father Sarabjit Singh and Rajwinder Singh, Kuldeep Singh, Varinder Singh taken me for treatment to Civil Hospital, Ludhiana. I was given medicine and on 30.12.2018 I was called for the x-ray of the injuries, thereafter I got myself treated from private hospital. I was going to police station to inform about this, I have met you, at Killa Raipur therefore, I am making statement, I have heard it, it is correct. Sd/- Tejvir Singh Dhillon verified by Balvir Singh SI, Police Station Sadar Ludhiana dated 05.01.2019.”

3. A cross-case was also registered regarding the same incident vide GDR No.43 dated 08.01.2019 on the basis of a complaint made by the opposite party in which the present petitioner and others were named as accused.

4. After the investigation was concluded the Investigating Agency presented a challan against three co-accused namely, Amrik Singh, Kulwant Singh and Bhupinder Singh whereas respondent No.2-Jaspreet Singh was declared innocent.

5. During the course of the Trial, the statement of the petitioner-Tejvir Singh was recorded as PW1. An application was moved under Section 319 Cr.P.C. to summon respondent No.2-Jaspreet Singh. The Trial Court allowed the application and summoned Jaspreet Singh to

face trial along with the existing accused vide order dated 20.11.2023 (Annexure P-6).

6. Respondent No.2-Jaspreet Singh challenged the aforementioned order by way of a revision petition and vide order dated 03.05.2024, the said revision petition was accepted and the order of summoning under Section 319 Cr.P.C. was set aside. The copy of the order dated 03.05.2024 is attached as Annexure P-7 to the present petition.

7. The present petition has been preferred by the petitioner-Tejvir Singh challenging the aforementioned order.

8. The learned counsel for the petitioner contends that the petitioner has named respondent No.2-Jaspreet Singh in the FIR as also in the deposition of PW1. The medical evidence is in consonance with the ocular account inasmuch as the injuries attributed to respondent No.2 with a hockey on the forehead and right leg of Tejvir Singh (petitioner) have been found to be present as per his MLR. The medical evidence is thus in consonance with the ocular account. There is absolutely no basis for the exoneration of respondent No.2 who was never joined in the investigation. As regards the impugned order, he contends that though the power under Section 319 Cr.P.C. admittedly has to be used sparingly but where there are reasonable prospects of conviction then the Court must exercise its powers. He, therefore, prays that the impugned order be set aside and respondent No.2 be subjected to trial as per the order dated 20.11.2023 (Annexure P-6).

9. On the other hand, the learned State counsel along with the learned counsel for respondent No.2 contend that no fault can be found

with the impugned order inasmuch as respondent No.2 could not have

been summoned as an additional accused only on the basis of the statement of the petitioner. On the basis of the material on record, it cannot be stated that there are reasonable prospects conviction of the respondent No.2. In fact, he has been falsely implicated on account of him being a resident of Australia and party faction. They therefore, pray that the present petition is liable to be dismissed.

10. I have heard the learned counsel for the parties at length and examined the record.

11. Before proceeding further in the matter, it would be apposite to refer to Section 319 Cr.P.C. which reads as under:-

“319. Power to proceed against other persons appearing to be guilty of offence.

(1) Where, in the course of any inquiry into, or trial of, an offence, it appears from the evidence that any person not being the accused has committed any offence for which such person could be tried together with the accused, the Court may proceed against such person for the offence which he appears to have committed.

(2) Where such person is not attending the Court, he may be arrested or summoned, as the circumstances of the case may require, for the purpose aforesaid.

(3) Any person attending the Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of the inquiry into, or trial of, the offence which he appears to have committed.

(4) Where the Court proceeds against any person under sub- section (1), then-

(a) the proceedings in respect of such person shall be commenced afresh, and the witnesses re-heard;

(b) subject to the provisions of clause (a), the case may proceed as if such person had been an accused person when the Court took cognizance of the

offence upon which the inquiry or trial was commenced.”

12. The Hon’ble Supreme Court in **Michael Machado & another Versus Central Bureau of Investigation & another, 2000(2) R.C.R. (Criminal) 75**, held as under:-

“11. The basic requirements for invoking the above section is that it should appear to the court from the evidence collected during trial or in the inquiry that some other person, who is not arraigned as an accused in that case, has committed an offence for which that person could be tried together with the accused already arraigned. It is not enough that the court entertained some doubt, from the evidence, about the involvement of another person in the offence. In other words, the Court must have reasonable satisfaction from the evidence already collected regarding two aspects. First is that the other person has committed an offence. Second is that for such offence that other person could as well be tried along with the already arraigned accused.

12. But even then, what is conferred on the court is only a discretion as could be discerned from the words “the court may proceed against such person”. The discretionary power so conferred should be exercised only to achieve criminal justice. It is not that the Court should turn against another person whenever it comes across evidence connecting that another person also with the offence. A judicial exercise is called for, keeping a conspectus of the case, including the stage at which the trial has proceeded already and the quantum of evidence collected till then, and also the amount of time which the Court had spent for collecting such evidence. It must be remembered that there is no compelling duty on the court to proceed against other persons.”

[Emphasis supplied]

13. Coming back to the facts of the present case, admittedly, respondent No.2-Jaspreet Singh is named in the FIR as also in the deposition as PW1 of the petitioner-Tejvir Singh. As per the allegations, respondent No.2-Jaspreet Singh gave a hockey blow on the forehead and the right leg of Tejvir Singh.

14. The injuries suffered on the person of Tejvir Singh are reproduced hereinbelow:-

Sr. No.	Injuries	Marked	Injury Number
1.	REDDISH BRUISE 4 X 6 CM ON LEFT NECK TENDERNESS	Yes	5
2.	REDDISH ABRASION 3 CM X 2 CM LEFT FOREARM ON DORSUM	Yes	6
3.	LACERATED WOUND 2 X 1 CM ON LEFT FOREHEAD IN MIDDLE	Yes	1
4.	SWELLING 4 X 2 CM ON FOREHEAD JUST ABOVE LEFT EYE ADV	Yes	2
5.	LACERATED WOUND 2 X 1 CM ON RIGHT LEG ADV X RAY	Yes	7
6.	ABRASION 2 X 1 CM BELOW RIGHT EYE	Yes	3
7.	BRUISE REDDISH 5 X 7 CM RIGHT NECK TENDERNESS PRESENT	Yes	4

15. A perusal of the FIR and the deposition of the petitioner read with the injuries caused on his person would reveal that the role and injuries attributed to respondent No.2 are in consonance with the medical evidence inasmuch as there are injuries on the left forehead and right leg of Tejvir Singh. In this situation, by no stretch of imagination can it be held that there are no reasonable grounds to believe that the respondent No.2 had not committed an offence for which he could be tried with the accused already facing trial. In fact, it could be said that there are reasonable prospects of his conviction.

16. In view of the aforementioned discussion, I find considerable merit in the present petition. Therefore, the impugned order

dated 03.05.2024 (Annexure P-7) passed by the Additional Sessions

Judge, Ludhiana whereby the summoning order dated 20.11.2023 (Annexure P-6) passed by the Judicial Magistrate, 1st Class, Ludhiana has been set aside is quashed. Respondent No.2 is directed to surrender forthwith to face trial in accordance with law.

17. However, the observations made hereinabove are only for the purposes of deciding the present petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

23.01.2026
JITESH

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