



101 (01 case)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1457-2022

Date of Decision:30.03.2026

Baljit Singh

...Petitioner

Vs.

State of Punjab and Anr.

...Respondents

(ii)

CRR-1755-2022

Gurdev Singh

...Petitioner

Vs.

State of Punjab and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. R.S Bains, Sr. Advocate with
Mr. Karan Pathak, Advocate
for the petitioners (in both the petitions).

Mr. Bhanu Partap Singh Addl., A.G., Punjab.

N.S.Shekhawat J.

1. This order shall dispose of two revision petitions i.e
CRR-1457-2022 titled as "**Baljit Singh Vs. State of Punjab and Anr.** and
CRR-1755-2022 titled as "**Gurdev Singh. Vs. State of Punjab and Anr.,**
whereby, the petitioners have challenged the common impugned order dated
02.06.2022, passed by the Court of Sessions Judge, Ferozepur, whereby, the
petitioners have been ordered to be summoned under Section 319 Cr.P.C as
additional accused to face trial under Sections 307,341,324,323,427,148,149 of
IPC and 25/27 of Arms Act.

2. Learned Senior counsel appearing on behalf of the petitioners



submit that the FIR (Annexure P-1) in the present case was ordered to be registered on the basis of the statement made by Angrez Singh son of Darbara and the same has been reproduced below:-

“Statement of Angrej Singh son of Darbara son of Suja, resident of Village Rame Wala, P.S. Sadar Ferozepur, District Ferozepur, aged about 32 years, mobile No.98555-89470. Stated that I am resident of above said address. I am Nambardar of village and also the Member Panchayat. Today on 19.05.2019, I and my father Darbara, sister Harjit w/o Mahinder and Massi Veero w/o Gulzar Singh, residents of Rame Wala by sitting in my Maruti car bearing No.PB-13-L-4711 were going to Village Peer Ahmed Khan for casting votes at booth. After casting votes, we were returning back and at about 11:00 AM, when we in our car reached at Beri Wala turn then from our opposite side towards Village Hako Wala, a cream colour Mahindra Verito car bearing No.PB-10-DD-0525 came there, which was driving by Jaswinder Singh s/o Joginder Singh, r/o Village Rame Wala, who by parking his car ahead of my car, stopped me. Tarsem Singh s/o Satpal, r/o Village Rame Wala armed with Baseball, Satpal s/o Buta empty handed, Vijay s/o Fakir armed with Baseball, residents of Village Rame Wala alighted from said car and encircled my car. In the meanwhile, one another car Mahindra Logan bearing No.PB-05-AA-5427, which was driving by Baljit Singh s/o Mahinder Singh, r/o Village Rame Wala came behind their car and Gurdev Singh s/o Mahinder Singh, r/o Village Rame Wala armed with Kirpan and 03 unknown persons armed with Kirpan and Baseball hurriedly alighted from the car. Baljit Singh s/o Mahinder Singh raised lalkara to caught hold today, Angrej Nambardar and teach him lesson for lodging FIRs against Satpal and Tarsem etc. At this, Gurdev Singh gave Kirpan blow on me with intention to kill when I was sitting inside the car and blow directly hit on the pillar of



window of car. Due to which, I was fortunately saved. Then Vijay s/o Fakir and Tarsem s/o Satpal opened the window of car and dragged me out of the car. Gurdev Singh gave two continuous Kirpan blows on me, which hit on my right thigh and Tarsem gave Baseball blow on me, which hit on my right thigh. Jaswinder Singh brought Kirpan from his car and hit on dashboard and window of my car, due to which heavy loss caused to my car. Baljit Singh brought pistol from his car. I and my father Darbara, Massi Veero and sister Harjit raised alarm 'Marta Marta'. In the meanwhile, Jasmel Singh s/o Lal Chand and Akash s/o Jaimal Singh came at the spot and they got me rescued from the clutches of said persons and said persons fled away from the spot alongwith their respective weapons by leaving one car there. Then after arranging vehicle, Jasmel got me admitted at Civil Hospital, Ferozepur for treatment, where doctor gave me treatment. Grudge behind the occurrence is that earlier also cases have been pending between us and Satpal etc. and Baljit Singh etc. are helping them. Hence, due to said grudge, they in connivance with each other gave me beatings and caused me injuries. Kindly initiate legal proceeding against them. Statement got recorded before you, heard it and the same is correct. Sd/- Angrej Singh.

3. Learned counsel further submits that as per the allegations levelled by the complainant, it was alleged that Baljit Singh (petitioner in CRR-1457-2022) was driving a car and had raised a *Lalkara* to caught hold of the complainant party and to teach them a lesson. Still further, it was alleged that Gurdev Singh (petitioner in CRR-1755-2022) was allegedly carrying a *kirpan* and gave two blows on the right thigh of the complainant. Apart from that, Baljit Singh (petitioner in CRR-1457-2022) brought pistol from his car, however, he did not fire from the said weapon.



4. Learned senior counsel further submits that during investigation, it was found that Angrez Singh, complainant had suffered three injuries and for causing the three simple injuries, the police prepared the challan on 03.09.2019 against four accused namely Tarsem Singh, Satpal, Jaswinder Singh and Vijay, however, during investigation, the D.S.P Ferozepur found that Baljit Singh (petitioner in CRR-1457-2022) had joined the investigation and it was found that Baljit Singh and Gurdev Singh, both petitioners were real brothers and were government officials in different departments. However, their presence was not found at the time of occurrence. Even, it was found that Baljit Singh (petitioner in CRR-1457-2022) was having a licensed pistol, however, during investigation it was found that Baljit Singh (petitioner in CRR-1457-2022) had deposited his weapon at police station against receipt No.136 since 20.12.2018 i.e. much prior to the occurrence. Even, it was found that both the petitioners had been involved in the present case, being government servants and due to old enmity between the parties. However, both the petitioners were not present at the place of occurrence and were declared innocent.

5. Learned counsel further submits that even the Trial Court wrongly summoned the petitioners only on the basis of the statements made by PW-1 and PW-2. In fact, Harjit Kaur, sister of Angrez Singh complainant/injured was examined as PW-1 and she did not support the case of the prosecution at all and was declared hostile. Similarly, the prosecution examined PW-2 Angrez Singh, injured and he also did not assign any specific role to Gurdev Singh as well as Baljit Singh, both petitioners. He stated that Baljit Singh (petitioner in CRR-1457-2022) stood near the car after taking the pistol in his hand, whereas,



Gurdev Singh (petitioner in CRR-1755-2022) started causing blows with *Kirpan* on his person, which hit the car and on his right thigh. However, the said allegations have already been found to be false by the police.

6. On the other hand, learned State counsel submits that the petitioners were found innocent in the present case, during the course of investigation and they were not even present at the place of occurrence.

7. I have heard learned counsel for the parties and perused the record carefully.

8. The Hon'ble Supreme Court, while discussing the powers under Section 319 Cr.P.C held in the matter of "**Hardeep Singh Vs.State of Punjab, (2014) 3 SCC 92**" as follows:-

"105. Power under Section 319 Cr.PC is a discretionary and an extraordinary power. It is to be exercised sparingly and only in those cases where the circumstances of the case so warrant. It is not to be exercised because the Magistrate or the Sessions Judge is of the opinion that some other person may also be guilty of committing that offence. Only where strong and cogent evidence occurs against a person from the evidence led before the court that such power should be exercised and not in a casual and cavalier manner.

106. Thus, we hold that though only a prima facie case is to be established from the evidence led before the court, not necessarily tested on the anvil of cross-examination, it requires much stronger evidence than mere probability of his complicity. The test that has to be applied is one which is more than prima facie case as exercised at the time of framing of charge, but short of satisfaction to an extent that the evidence, if goes unrebutted, would lead to conviction. In the absence of such satisfaction, the court should refrain from exercising power under Section 319 CrPC. In Section



319 CrPC the purpose of providing if 'it appears from the evidence that any person not being the accused has committed any offence' is clear from the words 'for which such person could be tried together with the accused. The words used are not 'for which such person could be convicted'. There is, therefore, no scope for the court acting under Section 319 CrPC to form any opinion as to the guilt of the accused."

9. Still further, the Hon'ble Supreme Court has held in the matter of **"Omi @ Omkar Rathore & Anr. Vs.State of Madhya Pradesh & Anr., SLP (Crl.) No.(s) 17781 of 2024"** held that the powers under Section 319 Cr.P.C empowers the trial court to summon persons to face trial, even they were not named in the charge-sheet, however, this power has to be exercised extraordinarily and must be exercised sparingly and not in a casual manner and held as follows:-

"21.The principles of law as regards Section 319 of the Cr.P.C may be summarised as under:

a. On a careful reading of Section 319 of the CrPC as well as the aforesaid two decisions, it becomes clear that the trial court has undoubted jurisdiction to add any person not being the accused before it to face the trial along with other accused persons, if the Court is satisfied at any stage of the proceedings on the evidence adduced that the persons who have not been arrayed as accused should face the trial. It is further evident that such person even though had initially been named in the F.I.R. as an accused, but not charge sheeted, can also be added to face the trial.

b. The trial court can take such a step to add such persons as accused only on the basis of evidence adduced before it and not on the basis of materials available in the chargesheet or the case



diary, because such materials contained in the charge sheet or the case diary do not constitute evidence.

c. The power of the court under Section 319 of the CrPC is not controlled or governed by naming or not naming of the person concerned in the FIR. Nor the same is dependent upon submission of the chargesheet by the police against the person concerned. As regards the contention that the phrase 'any person not being the accused' occurred in Section 319 excludes from its operation an accused who has been released by the police under Section 169 of the Code and has been shown in column No. 2 of the charge sheet, the contention has merely to be stated to be rejected. The said expression clearly covers any person who is not being tried already by the Court and the very purpose of enacting such a provision like Section 319(1) clearly shows that even persons who have been dropped by the police during investigation but against whom evidence showing their involvement in the offence comes before the Criminal Court are included in the said expression.

d. It would not be proper for the trial court to reject the application for addition of new accused by considering records of the Investigating Officer. When the evidence of complainant is found to be worthy of acceptance then the satisfaction of the Investigating Officer hardly matters. If satisfaction of Investigating Officer is to be treated as determinative then the purpose of Section 319 would be frustrated”.

10. In the present case, it is apparent from the MLR of Angrez Singh that he had suffered three simple injuries only. For causing those three injuries, four accused namely Tarsem Singh, Satpal, Jaswinder Singh and Vijay have already been challaned by the police and are facing trial. Even, during the course of investigation, it was found that Jaswinder Singh was also carrying a *Kirpan* and had attacked the complainant/injured in the present case. He was



also carrying a sharp edged weapon in his hands and *kirpan* was recovered from him, during the course of investigation.

11. In the present case, both the petitioners are government employees and there is a normal tendency that the government servants on the accused side are involved in various fights by the complainant, by assigning them some specific role. In the present case, even though both the petitioners were named, but still no specific attribution was there. Further, their roles were investigated by the police and it was found that Baljit Singh (petitioner in CRR-1457-2022) had already deposited his weapon with the police vide receipt No.136 dated 20.12.2018 i.e. much prior to the occurrence and there was no question of carrying the pistol at the spot. Even, it was shown that he had exhorted the other accused and was standing at the spot with a pistol. Apart from that, no other allegation was levelled against Baljit Singh (petitioner in CRR-1457-2022). In the same manner, it has been alleged that Gurdev Singh (petitioner in CRR-1755-2022) caused two blows with *Kirpan* on the right thigh of the injured. However, it is apparent that for causing three simple injuries, four accused have already been challaned by the police. Still further, the police had already conducted the investigation in the present case and now, on the basis of the statement of the complainant, which was already found to be false during investigation, the petitioners have been summoned to face trial in the present case. However, even PW-1 i.e sister of Angrez Singh complainant/injured did not support the case of the prosecution at all and was declared hostile. Even otherwise, there was no other fresh evidence against the petitioners and they were wrongly summoned by the Trial Court.



12. In view of the above discussions, both revision petitions are allowed and the impugned order dated 02.06.2022,passed by the Court of Sessions Judge, Ferozepur,, is set aside and the application filed by the prosecution is dismissed by this Court qua the petitioners only.

13. Ordered accordingly.

30.03.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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