



CRM-M-48965-2023 -1-

144

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

CRM-M-48965-2023

Date of decision 12.03.2026

LOVEPREET SINGH

..... PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Rajesh Bhatheja, Advocate
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

Ms. Apurva Walia, Advocate &
Ms. Preet Kamal Uppal, Advocate
for the respondent No.2.

SURYA PARTAP SINGH. J.

1. This petition under Section 482 of Cr.P.C. has been filed for quashing of order dated 05.08.2023 passed by learned Additional Chief Judicial Magistrate, Moga, hereinafter being referred to as learned trial Court. The above-mentioned order, hereinafter being referred to as impugned order has been passed on 05.08.2023, in a trial for the commission of offence punishable under Sections 304-A, 279, 337 & 427 of Indian Penal Code. The above-mentioned trial is with regard to a case arising out of FIR No.13 dated 13.02.2021, Police Station Sadar Moga, District Moga.



2. Briefly stating the facts emerging from record are that the above-mentioned FIR came into being at the instance of 'Lovepreet Singh', hereinafter being referred to as complainant only. It was stated by the above-named complainant that on 12.02.2021 at about 10:30 A.M., he alongwith his father Gurbachan was going on a motorcycle, bearing registration No.PB-29-W-7607, towards village Salina. According to complainant on the way, a white coloured Scorpio car being driven in a rash and negligent manner came from opposite direction and hit the motorcycle. As per complainant due to the impact of above-mentioned collision, he and his father fell down on the road and in the above-mentioned accident both of them suffered injuries, but the injuries suffered by his father proved to be fatal. The complainant further alleged that the occupants of the above-mentioned car were Paramvijay Singh, Jashandeep Singh and mother of Paramvijay Singh, and that Paramvijay Singh was driving the offending vehicle.

3. It is the case of the prosecution that in view of above-mentioned statement, formal FIR of this case was lodged and the investigation taken up. As per prosecution during the course of investigation, it was revealed that the driver of the car was Jashandeep Singh not Paramvijay Singh. Thus, the Final Report under Section 173 Cr.P.C. had been filed for the commission of above-mentioned offence by Jashandep Singh. The charge, too, has been framed by the learned trial Court against Jashandeep Singh.

4. The record further shows that during the course of trial once the charge was framed, the case was fixed for prosecution evidence and in prosecution evidence the complainant Lovepreet Singh appeared as a witness and got himself examined as PW-1. It is also relevant to mention here that once

**CRM-M-48965-2023 -3-**

the statement of PW-1 has been recorded, an application under Section 319 Cr.P.C. was filed by the complainant, which was duly forwarded by the learned APP. Vide above-mentioned application the complainant sought the summoning of Paramvijay Singh as additional accused. However, the above-mentioned application has been dismissed by learned trial Court, vide impugned order.

5. Heard.

6. It has been contended on behalf of petitioner that an error of judgment has been committed by the learned trial Court, when it dismissed the above-mentioned application. According to learned counsel for the petitioner a gross injustice has been committed not only by the Investigating Agency, but also because of improper appreciation of fact by the learned trial Court. As per learned counsel for the petitioner right from the very beginning, it has been the stand of the petitioner that the driver of the offending vehicle at the time of accident was Paramvijay Singh, but the Investigating Officer in connivance with the accused has exonerated Paramvijay Singh and introduced Jashandeep Singh as an accused in the present case. While claiming that a wrong person is being prosecuted, it has been contended by learned counsel for the petitioner that to avoid miscarriage of justice, it is necessary that Paramvijay Singh should be tried as an accused, but the learned trial Court without properly appreciating the above-mentioned factual aspect of this case, has dismissed the above-mentioned application.

7. According to learned counsel for the petitioner in the present case, in his statement before the police, which formed the basis of FIR, and in his statement in the Court, the petitioner has specifically and categorically deposed in consistent manner, that 'Paramvijay Singh' was the driver of the offending

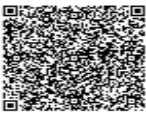


vehicle at the time of accident. According to learned counsel for the petitioner in view of settled proposition of law 'Paramvijay Singh' should have been summoned as additional accused in the present case, but the learned trial Court has failed to do so. Hence, the present petition.

8. The record has been perused carefully.

9. In the present case, at the very out-set it is pertinent to mention here that the challenge in the present petition is to the order dated 05.08.2023, vide which the learned trial Court refused to summon 'Paramvijay Singh' as additional accused. For the sake of argument, if it is assumed that the contention raised by the petitioner is true, then a very peculiar situation will arise in the present case. Such situation will be that in view of final report submitted by the Investigating Agency, the accused Jashandeep Singh is being prosecuted against whom the charge has been framed. On the other hand on acceptance of application under Section 319 Cr.P.C. Paramvijay Singh will be tried as an accused. Thus, in one trial for the commission of offence under Sections 279/304-A of Indian Penal Code, there will be two accused, It is not possible that for driving a vehicle, in a rash and negligent manner, two persons can be responsible. Thus, the nature of offence committed in the present case warrants that only one person can be tried. Since, in the present case the Investigating Agency has approached the Court for trial of Jashandeep Singh as an accused, only he can be tried by the learned trial Court.

10. Thus, in my opinion the factual and legal matrix of the present case have rightly been appreciated by the learned trial Court and the request of petitioner for summoning of 'Paramvijay Singh' as additional accused has rightly been declined.



11. As a sequel to above-mentioned observations, it is hereby observed that while dismissing the application moved by the petitioner under Section 319 Cr.P.C. no error of judgment has been committed by the learned trial Court and the impugned order deserves to be upheld. Thus, finding no merit the present petition is hereby **dismissed** and the impugned order is hereby upheld.

(SURYA PARTAP SINGH)
JUDGE

12.03.2026
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Whether speaking/reasoned : Yes
Whether Reportable : No