

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

| JUDGEMENT<br>RESERVED ON | JUDGEMENT<br>PRONOUNCED<br>ON | OPERATIVE<br>PART PRO-<br>NOUNCED OR<br>FULL | UPLOADED ON |
|--------------------------|-------------------------------|----------------------------------------------|-------------|
| 23.02.2026               | 05.03.2026                    | FULL PRO-<br>NOUNCED                         | 05.03.2026  |

CRR-2506-2025

Rajwinder Singh @ Karan

.....Petitioner

Vs.

State of Punjab

.....Respondent

CRR-2881-2025

Kulwant Singh and others

....Petitioners

Vs.

State of Punjab and another

....Respondents

**CORAM:     HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present:     Mr. Harpreet Singh, Advocate  
                  for the petitioner(s).

Ms. Pooja Nayar Sharma, DAG, Punjab.

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ANOOP CHITKARA J.

| FIR No. | Dated      | Police Station                      | Sections                                                   |
|---------|------------|-------------------------------------|------------------------------------------------------------|
| 11      | 02.02.2024 | City Fazilka, Dis-<br>trict Fazilka | 323, 324, 148, 149 IPC and<br>302 & 341 IPC added later on |

1.        This order shall dispose of two criminal revision petitions as mentioned above. For the sake of brevity, facts have been taken from *CRR-2506-2025 titled as Rajwinder Singh @ Karan vs. State of Punjab.*
2.        Challenging the order dated 27.08.2025, vide which an application filed under Section 319 CrPC, was accepted by the learned Additional Sessions Judge, Fazilka, the accused has come up before this Court by filing the present criminal revision.
3.        I have heard counsel for the petitioner to ascertain that matter is worth issuing

notice to private respondent or not and its analysis would lead to the following outcome.

4. First defect in the present case is that the complainant has not been arraigned as party. Although the impugned application was filed by the complainant-victim, who falls under the definition of Victim-Sarabjeet Singh. Initially in the FIR dated 02.02.2024, (Annexure P-1), the complainant had explicitly named the petitioner-Rajwinder Singh and all the petitioners in CRR-2881-2025, as accused. In the investigation, the prosecution was not launched against Rajwinder Singh and Kulwant Singh. However, the State filed a challan against other accused. During the commencement of trial under Section 302 IPC r/w other Sections and with the aid of Sections 148 & 149 IPC, the complainant was examined as PW1, in which he levelled allegations against the present petitioner. Copy of the statement of PW1 has been attached with the petition as Annexure P-3. Sarabjeet Singh-PW1, in his statement on oath, attributed a brick blow on back of Jitender Singh. The allegations against other accused were throwing the brick bats at the deceased-Jitender Singh. He specifically stated that hurl the accused and gave kick blows. On being injured because of such attack, he was admitted in the hospital, where he expired. After that PW1 filed an application under Section 319 CrPC, in which he sought that accused-Kulwant Singh, Sunil Singh, Manjeet Singh, Kuldeep Singh, Baljit Singh, Rohit Singh and Rajwinder Singh, be summoned as co-accused.

5. Vide impugned order dated 27.08.2025 passed by the learned Sessions Judge, application under Section 319 CrPC, was allowed. While allowing the said application, it was explicitly mentioned that Rajwinder Singh had given a blow of iron rod on the back of Jitender Singh and when he fell down, all the accused started beating him.

6. Learned trial court in paragraph 5 of impugned order mentioned that there were specific allegations against the accused and they were armed, as such the said application was allowed.

7. Counsel for the petitioner has drawn attention to the MLR to state that injuries do not tally with the allegations and interval between injuries and death was 9-10 days.

8. Analysing the above evidence with the light of FIR and the statement of PW1 on oath, prima facie point out the presence of the accused at the spot. Needless to say that the FIR has been registered with the aid of Sections 148 & 149 IPC i.e. common object. Simply because the summoning in the FIR does not mean that charges under Section 302 IPC has to be prepared against the summoned accused. Needless to say that charges against the accused can only be confined to their role and about the evidence of common object and unlawful assembly if any, but for the purpose of summoning, this Court cannot rule out that the FIR was registered under Sections 302, 341, 323, 324, 148 & 149 IPC. It means the simple hurt with and without weapon, were also added as one of the offences. It is not that since the person died as such the causing of simple hurt and simple hurt with weapon can be ignored or grievous hurt can be ignored. It all depends upon analysing the medical

evidence and nature of injuries attributed to the summoned accused. It is further not mandatory rule that if somebody has been summoned under Section 319 CrPC, then the charges have necessarily to be framed against such persons. Thus, the petitioners have right to address all their submissions at the time of framing of charges and if no charges are framed because of the evidence available on record, then they can be discharged. But this Court is only concerned with the illegality in the order of summoning and on the face of it, there is no illegality in the same.

9. Given above, the present petitions are dismissed. All pending application(s), if any, stand closed.

**(ANOOP CHITKARA)**  
**JUDGE**

05.03.2026

Anju rani

Whether speaking/reasoned: Yes

Whether reportable: No.