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

CRR-3031-2025 (O&M)

Decided on: 12.01.2026

Ram Chander and another

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Deepak Chauhan, Advocate, for the petitioners.

Rajesh Bhardwaj, J.**CRM-48796-2025**

Prayer in the present application is for pre-ponment of the date of hearing in the main case.

The main case is fixed for today i.e. 12.01.2026. In view of the same, the present application has been rendered infructuous and the same is dismissed as such.

Main case

1. Present revision petition has been filed impugning the order dated 01.11.2025 passed by learned Additional Sessions Judge, Patiala, whereby, the petitioners have been summoned to face the trial as additional accused alongwith the accused already facing trial in a case FIR No.56, dated 27.07.2019, registered under Sections 306 and 34 IPC, at Police Station Ghagga, District Patiala.

2. Succinctly facts of the case are that the FIR in the present case was lodged by complainant-respondent No.2. It was alleged that earlier her husband had gone to Saudi Arabia, where he resided for four years, and



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after returning, he wanted to go abroad again. Thus, her husband met Sandeep Kumar, who worked as an agent and informed her husband that his relatives, namely Ram Chander (petitioner No.1), Darshan Kumar, and Lachhman Das (petitioner No.2), also worked with him, and that he would send him abroad through them. It was alleged that the deal was struck for a Rs.9,50,000/-. On 29.11.2018, her husband gave Rs.3,50,000/- to Sandeep Kumar, Darshan Kumar, Ram Chander and Lachhman Dass and thereafter, a sum of Rs.2,50,000/- was also given to Sandeep Kumar and Ram Chander. However, neither husband of the complainant was sent to abroad nor his money was returned. Husband of the complainant requested them to return his money, but they continued to make excuses for the same. It was also alleged by the complainant that a few days earlier, her husband went to the house of Sandeep Kumar, where, Ram Chander, Darshan Kumar, Lachhman Dass were present and demanded money from them. However, these persons abused her husband and threatened to kill him. As a result thereof, her husband remained under depression. On 23.07.2019 at about 08:30 p.m., her husband left the home without informing anyone. They have been searching for her husband since that day. However, today i.e. 27.07.2019, dead body of her husband was found in Bhakhra River on Khanori road. Thus, it was alleged that due to harassment and humiliation by Sandeep Kumar, Ram Chander, Darshan Kumar and Lachhman Das, husband of the complainant committed suicide by jumping into Bhakhra River. Request was made to take legal action against all the accused persons. On the registration of the FIR, the investigation commenced. On completion of the investigation, the



challan was presented by the Investigating Agency qua accused, namely, Sandeep Kumar and Darshan Kumar, whereas, the petitioners were kept in column No.2 as they were found to be innocent during the investigation. During the trial, the prosecution examined the complainant as PW-1, who deposed before the trial Court regarding the complicity of the petitioners as was alleged in the FIR. Thereafter, an application under Section 319 Cr.P.C. for summoning petitioners to face the trial alongwith co-accused, was filed. On hearing, the trial Court accepted the application vide impugned order dated 01.11.2025. Aggrieved by the same, the petitioners are before this Court by way of filing the present revision petition.

3. Learned counsel for the petitioners has vehemently submitted that the petitioners have been falsely implicated in the present case. He submits that after a free and fair investigation, the Investigating Agency found no evidence against the petitioners. Thereafter, further investigation was also conducted by the Deputy Superintendent of Police, Patran and the petitioners were found to be innocent and were kept in column no.2 in the challan. He submits that during the trial, the prosecution filed an application under Section 319 Cr.P.C. on the ground that the complainant was examined as PW-1 and she supported the case of the prosecution, wherein, allegations against the petitioners were reiterated. It is submitted that except the statement of complainant-respondent No.2, there is no corroborating evidence to substantiate the complicity of the petitioners in the case. He submits that as per the settled proposition of law, summoning under Section 319 Cr.P.C. cannot be in a casual or cavalier manner. He has submitted that



the statutory power under Section 319 Cr.P.C. is an extraordinary power, which is there to prevent the miscarriage of justice, however, learned trial Court has failed to appreciate the same. He relies upon the judgment in case of **Hukam Chand and another vs. State of Haryana and another, 2007(3) RCR (Criminal) 141** and submits that mere statement of the complainant cannot be a basis for summoning of a person as an additional accused under Section 319 Cr.P.C. particularly, when the accused has been found innocent by the police. He, thus, submits that the impugned order being unsustainable in the eyes of law and deserves to be set aside.

4. Notice of motion.

5. Mr.K.D.Sachdeva, DAG, Punjab, accepts notice on behalf of the State. He has opposed the submissions made by counsel for the petitioner. He has submitted that learned trial Court has rightly summoned the petitioners as additional accused to face the trial alongwith the co-accused, as the complainant reiterated the allegations made in the FIR in her examination before the trial Court as PW-1.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the complainant had lodged the FIR against the petitioners and co-accused. The petitioners were specifically named in the FIR, who alongwith the co-accused duped the husband of the complainant with huge amount. During the investigation, rest of the accused were arrested and hence, challan was presented against them. However, names of the petitioners were kept in column No.2 of the challan and were declared innocent by the Investigating Agency. Perusal of statement of PW-1 i.e. the



complainant reveals that specific role has been attributed to the petitioners. It is deposed by her in her deposition that not only the petitioners duped her husband with a huge amount, but also harassed and threatened him with dire consequences, which shows that the allegations are in the nature of more than a *prima facie* case against the petitioners. There is no dispute regarding the law relied upon by counsel for the petitioner, however, the same is distinguishable in the facts and circumstances of the present case.

7. To understand the controversy in hand, statutory provisions of Section 319 Cr.P.C. is necessary to be considered, which is reproduced as under:-

“Section 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 subsection (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



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took cognizance of the offence upon which the inquiry or trial was commenced.”

8. The Constitutional Bench of Hon'ble Supreme Court in **Hardeep Singh vs. State of Punjab and others, (2014) 3 SCC 92** has held that power under Section 319 Cr.P.C. is discretionary and an extra ordinary power, which is to be exercised sparingly and in those cases where the circumstances so warrant. It should be exercised only where strong and cogent evidence occurs against a person and such power should not be exercised in a casual and cavalier manner. It has been further held that there is no scope by the Court under Section 319 Cr.P.C. to form any opinion as to the guilt of the accused.

9. Weighing the facts and circumstances of the present case on the anvil of law settled by the Hon'ble Supreme Court, the Court finds no infirmity in the order dated 01.11.2025 passed by learned Additional Sessions Judge, Patiala. Hence, the present petition being devoid of any merit, is hereby dismissed

12.01.2026

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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No