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

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CRR-3048-2025 (O&M)

Date of Decision: 02.07.2026

IQBAL SINGH AND ANOTHER

...Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Amit Arora, Advocate
for the petitioners.

Mr. Kunwarbir Singh, AAG Punjab.

SHALINI SINGH NAGPAL, J. (ORAL)

1. This revision petition assails order dated 05.09.2025 of learned Judicial Magistrate Ist Class, Tarn Taran, vide which petitioners were summoned as additional accused to face trial in FIR No. 119 dated 03.09.2021 under Sections 324, 323, 148, 149 Indian Penal Code, Police Station Sarhali, District Tarn Taran.

2. Learned counsel for the petitioners submits that though petitioners were named in the FIR, no overt act was attributed to them. They were found innocent during investigation and had been placed in column No. 2 of the investigation report. Learned trial Court summoned the petitioners to face trial on bald statement of PW-1 Heera Singh without considering the fact that petitioners stood exonerated during investigation, as they were not found to be present at the spot. Except oral statement of complainant, no evidence was forthcoming against the petitioners, who had been falsely implicated on account



a property dispute between father of the petitioners and complainant over agricultural land. Bald statement of complainant without corroborative evidence could not be relied upon to exercise powers under Section 319 Cr.P.C. Therefore, order dated 05.09.2025 deserved to be set aside.

3. A Constitutional Bench of the Apex Court in the case of ***Hardeep Singh Vs State of Punjab 2014 (1) R.C.R. Criminal 623 : 2014 (1) Recent Apex Judgments (R.A.J.) 384 : JT 2014 (1) SC 412*** has summarized the legal position regarding the scope and extent of powers of the Court to summon a person as additional accused in the exercise of jurisdiction under Section 319 Cr.P.C. It was observed as under:

“98. Power under Section 319 Cr.P.C. is a discretionary and an extra-ordinary 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.

99. 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 CrossExamination, 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 Cr.P.C.”

4. In **Babubhai Bhimabhai Bokhiria and Anothers Vs State of Gujarat and Others 2014 (2) RCR (Criminal) 915 (S.C.)**, the Hon'ble Apex Court went a step further to hold that:-

“8. Section 319 of the Code confers power on the trial court to find out whether a person who ought to have been added as an accused had erroneously been omitted or has deliberately been excluded by the investigating agency and that satisfaction has to be arrived at on the basis of the evidence so led during the trial. On the degree of satisfaction for invoking power under Section 319 of the Code, this Court observed that though the test of prima facie case being made out is same as that when the cognizance of the offence is taken and process issued, the degree of satisfaction under Section 319 of the Code is much higher.”

5. In the case in hand, names of petitioners Iqbal Singh and Jarmanjit Singh figured in the first information report recorded on statement of complainant Heera Singh, who alleged that on 17.08.2021, when he and his son Gurpreet Singh were returning to their house from the fields on motorcycle and reached near Dhillon Haveli at 09.30 AM, white colour Verna Car and 04 motorcycles intercepted them. 08 persons namely Iqbal Singh son of Dilbar Singh, Randhir Singh son of Gurnam Singh, Sahib Singh son of Satnam Singh,



Jugraj Singh son of Satkar Singh raised *Lalkara* to teach him a lesson, upon which Sukhwinder Singh son of Bakshish Singh gave a *datar* blow, which hit on left side of his ribs, Nachattar Singh son of Santa Singh gave a baseball bat blow on his right shoulder. Dilbagh Singh son of Santa Singh gave him a stick blow on his chest. Jarman Singh son of Nachattar Singh was empty handed and gave fist blows on his eyes. Out of fear, his son ran away. Thereafter, the aforesaid accused forcibly put him in the car and threw him on Dargapur, Jalweal road near Patti turn on water canal towards Sarhali. Thereafter, they ran away.

6. During investigation, petitioners were found innocent by the police and final report of investigation was forwarded against co-accused. Charges were framed and prosecution examined PW-1 Heera Singh, who appeared in the Court on 25.03.2025 and made statement identical to his version in the first information report, contents whereof are not being reproduced for the sake of brevity. From the record produced, it transpires that the petitioners have not been summoned under Section 319 Cr.P.C. on mere whim and desire of respondent No. 2/complainant. The role attributed to both petitioners has consistently figured right from the stage of FIR and has been reiterated by PW-1 Heera Singh on oath and forms a part of chain of events leading to commission of offence. There are specific allegations, both against Iqbal Singh and Jarman Singh @ Jarmanjit Singh. Benefit of police investigation cannot be extended to the petitioners in the wake of evidence on oath of PW-1 Heera Singh. More than *prima facie* case is made out against both petitioners. Impugned order of learned Judicial Magistrate Ist Class, Tarn Taran has been passed on correct

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appreciation of legal and factual position and does not call for interference in the exercise revisional jurisdiction. There is no illegality or perversity in the impugned order warranting interference by this Court.

7. The observations made hereinabove are only in the context of the application under Section 319 Cr.P.C. and shall not influence the final decision on merits. Learned trial Court shall dispose of the trial in accordance with law on its own merits on the basis of evidence led before it.

8. The revision petition is dismissed.

9. All the pending miscellaneous applications, if any, stand disposed of.

JULY 02, 2026*Ajay Goswami***(SHALINI SINGH NAGPAL)
JUDGE**

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