

State of Punjab Vs. Prabal Titus

SC-256-2024

Present: Sh. A.P.S. Virk, Additional PP for the State.
Sh. R.S. Bal, Advocate for the complainant.
Accused Prabal Titus in custody (produced through VC)
with Sh. H.S. Dhanoa, Advocate, Sh. Rajiv Mohan,
Advocate, Sh. Karan Khanuja Advocate and Sh. Sachit
Sharma, Advocate.

ORDER:

1. The prosecution has moved an application under Section 319 of Cr.P.C. for summoning Premjit Titus son of Donal Titus as an additional accused in the present FIR.

2. It has been contented that during the trial, PW1 Pritpal Singh son of Dharmpal Singh had specifically named Premjit Titus as an accused, who committed murder of Karanvir Singh son of Pritpal Singh, along with the accused Prabal Titus on 09.05.2024. During the course of trial, CCTV footage was taken from Sohana Eye Hospital as evidence, where Premjit Titus, who is the father of the accused Prabal Titus, is categorically seen bringing the deceased's dead body in the hospital. Not only this, they are seen parking their car and entering the Hospital premises together. Thereafter, they conversed with some people including the police officials. On seeing the CCTV footage, it is clearly visible that both Prabal Titus and Premjit Titus left the hospital in haste. They also left their car in the hospital premises, which was later recovered from the hospital itself. It shows that Premjit Titus was also involved in the commission of the crime along with Prabal Titus. It is further contended by the learned Additional PP for the State that there is sufficient evidence against the proposed accused and hence he

can be tried along with the principal accused Prabal Titus. A prayer for summoning Premjit Titus as additional accused has been made.

3. The FIR No.39 dated 10.05.2024 had been registered against the accused Prabal Titus under section 302 of IPC, Police Station IT City, Mohali. From the contents of the FIR, it can be culled out that that the deceased Karanvir was madly in love with a girl namely Akanksha, who was the friend of accused Prabal Titus. The deceased was known to the accused through Akanksha and about a month ago, their relationship had fallen apart and Karanvir Singh deceased blamed the accused to be the reason for their break up. Karanvir deceased had been coming to the university to meet Prabal Titus and had been requesting him to make things work for him, and he was desperate to gain attention of Akanksha.

4. As per the version of the prosecution, on 09.05.2024 Pritpal Singh received a call of Harinder Singh @ Laddi friend of Karanvir Singh at about 7.50 PM, who told him that Karanvir Singh was not attending his call. When the complainant called at Karanvir's number, someone from Sohana Hospital attended the call and told him that Karanvir Singh had expired. On the basis of the said information received by the complainant, the FIR was registered.

5. The complainant Pritpal Singh was examined as PW2 and in his examination-in-chief, he deposed that when he reached the hospital, he saw that Karanvir Singh had strangulation marks around his neck and there were injuries on his face and eyes had bruises. He checked the CCTV footage of emergency section and came to know

that Karanvir Singh was brought to the hospital by accused Prabal Titus, who was accompanied by an unknown person and later on, he came to know the name of the said person to be Premjit Titus, the father of the accused. On the basis of the CCTV footage, the prosecution is praying for summoning Premjit Titus as co-accused to face trial along with Prabal Titus.

6. The power under Section 319 Cr.P.C is extraordinary in nature and is required to be exercised with great care and circumspection. Such power is to be exercised before the completion of the trial. If it appears to the court that the evidence points to any other person, other than the accused, who are being tried by the court to have committed any offence and such accused has been excluded in the charge sheet, he can be summoned and tried together with the accused for the offence which appears to have been committed by such persons.

7. The Hon'ble Supreme Court of India in case titled as **Y. Saraba Reddy vs. Puthur Rami Reddy and Anr., 2007 (2) RCR (Criminal) 1014**, opined “.... Undisputedly, it is extraordinary power which is conferred on the Court and should be used very sparingly and only if compelling reasons exist for taking action against a person against whom action had not been taken earlier. The word “evidence” in Section 319 contemplates that evidence of witnesses given in Court.....”.

An order under Section 319 of the Code, therefore, should not be passed only because the first informant or one of the witnesses seeks to implicate other person(s). Sufficient and cogent reasons are

required to be assigned by the court so as to satisfy the ingredients of the provisions. Mere ipse dixit would not serve the purpose. Such an evidence must be convincing one, at least for the purpose of exercise of the extraordinary jurisdiction.

For the aforementioned purpose, the Courts are required to apply stringent tests; one of the tests being whether evidence on record is such which would reasonably lead to conviction of the person sought to be summoned.”

8. The cross-examination of PW2 was also conducted and during the cross-examination, it was admitted by the witness that it was the accused Prabal Titus, who had brought the deceased to the hospital and he had also given his aadhar card at that point of time. It has also surfaced that Prabal Titus was accompanied by his father Premjit Titus in the hospital. The witness was not aware as to at what place, his son died and he was not aware about the manner in which he died. Thus, from the evidence of PW2, it is crystal clear that PW2 was unaware about his son's death and he was only informed by someone from the hospital that his son was brought to the hospital and he had expired. The father of the deceased PW2 rather came to know from the police officials that the incident took place on account of some issue related to a girl, who was studying in Amity University with the accused Prabal Titus and the son of the complainant was madly in love with that girl. There is a categorical admission of PW2 in the cross-examination that he had never visited Amity University prior to the incident and after the incident, the witness had gone to Amity University to obtain the

CCTV footage and the same was played in the Court and he saw his son waiting outside the gate of Amity University wearing a blue shirt and a cap. Thus, the question which stares before the Court is as to whether at the time of the commission of the alleged offence of murder of Karanvir Singh, the accused Prabal Titus was accompanied by his father Premjit Titus? Admittedly, Premjit Titus was seen alongwith his son Prabal Titus accused in the Sohana Hospital and as per ASI Rakesh Kumar, the dead body of Karanvir Singh was brought by Prabal Titus as well as his father in the hospital. However, in order to proceed against the proposed accused, it is essential to consider that there is sufficient evidence on record, which if it goes un-rebutted, it would lead to the conviction of Premjit Titus. In that regard, it is essential to go through the evidence of PW6 Harpreet Singh, who is an independent witness, and he had seen one Alto car silver colour parked on the road and two persons were sitting on the driver seat and co-passenger seat. He had seen both the persons fighting with each other. From the deposition of PW6, it is crystal clear that in the Alto car, there were only two persons and there was no third person, present in the car at the time when the incident took place. Had the father of the accused been in connivance with the accused, he would have definitely been present in the said car when PW6 had spotted the Alto car with Chandigarh number ending with 5095 in which he saw two persons fighting with each other. PW7 Akanksha deposed that she was friends with Karanvir Singh and Karanvir Singh objected to her friendship with Prabal Titus. He would often wait outside the Amity University.

When she avoided Karanvir Singh and did not attend his call, Karanvir used to stand outside the university continuously. On the day of alleged incident, Karanvir Singh had called her up stating that he was standing outside the University, but Akanksha disconnected his call and when she went out, her Cab was waiting and even Karanvir Singh was standing at the gate. The witness left in the Cab and after 15 minutes, she received a call from the mobile number of Prabal Titus. When she attended it, it was Karanvir on the line asking her to wait there. She called Prabal Titus later on, who advised her to go home and that he was speaking in a breathless tone. From the evidence of all the above referred witnesses, nowhere the eyewitness have stated that at the time of commission of alleged offence, accused Prabal Titus was accompanied by his father Premjit Titus. The test that has to be applied while summoning an additional accused is one which is more than prima-facie case as exercised at the time of framing of charge and to the satisfaction of the Court that their evidence, if goes un rebutted, would lead to conviction. In the absence of such satisfaction, there is no scope for the Court to exercise the power under Section 319 of Cr.P.C. The only evidence available on record against the proposed accused Premjit Titus is that he was seen with the accused Prabal Titus in the hospital when the dead body of Karanvir Singh was brought. However, in the CCTV footage of the Amity University, the proposed accused is nowhere visible with the accused already facing trial. Even the witness Akanksha Dogra, who had seen the deceased present outside the University gate on the ill-fated day, has not stated the

presence of the proposed accused. Thus, simply because Premjit Titus is seen in the hospital, it is not the sufficient ground to proceed against him and to try him alongwith the accused already facing trial. The evidence of prosecution at this stage is short of any complicity of the proposed accused as well as the accused facing trial.

9. From the entire discussion as referred above, it therefore follows that the evidence is not strong and cogent enough to establish that the proposed accused Premjit Titus had participated in the assault and that he shared a common intention or he instigated or aided his son Prabal Titus before or during the occurrence in the commission of the offence. The hospital CCTV depicts the events after the occurrence, but it nowhere establishes the role of the proposed accused in the commission of the offence causing death of Karanvir Singh.

10. Mere presence of Premjit Titus in the hospital CCTV footage after the occurrence, without any evidence of participation in the assault or sharing of the common intention, does not satisfy the stringent requirement for the exercise of the power under Section 319 of Cr.P.C. Therefore, the application under consideration stands dismissed.

Pronounced in Open Court.
Dated: 18.07.2026

Tajinder Singh

(Neetika Verma),
Additional Sessions Judge
SAS Nagar/UID-PB0209