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

CRM-M-22204-2026

Date of Decision: 11.05.2026

Sikander Singh @ Sikander Rana

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vishal Sharma (Vasudeva), Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for setting aside the impugned order dated 17.03.2026 (Annexure P-17) passed by learned Additional Sessions Judge, Rupnagar, whereby the revision petition filed by the petitioner has been dismissed and the order dated 02.01.2023 passed by learned trial Court vide which the application under Section 319 Cr.P.C. has been declined.

2. Brief facts of the case are that petitioner is the complainant on whose behest, the FIR was registered. It was alleged that on 25.05.2020, a function was organized by the Congress Party at Railway Road to honour volunteers of Government institutions for their commendable work during the COVID pandemic. After the function, at about 06:45 p.m., Rajiv Kumar Verma, Inderjit Grover, Jaswinder Singh (respondent No.4) and his son Guri (respondent No.5) and Kulwinder Singh @ Kindi (respondent No.6) and another unknown person attacked the complainant at outside of Bajrang Bhavan. Guri struck the complainant on his head with a sharp object. The complainant was beaten with kicks and punches. Thereafter, crowd gathered and rescued the complainant. All the accused fled away from the spot and Guri while leaving from there threatened the complainant to be killed. Request was made to take legal action against the accused persons. On the



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registration of the FIR, the investigation commenced and challan was presented under Section 173 Cr.P.C., wherein, challan was filed against accused Jaswinder Singh and respondents No.5 and 6 were declared innocent. During the trial, the complainant appeared as prosecution witness and levelled allegations against respondents No.5 and 6 and thus, application under Section 319 Cr.P.C. was filed for summoning respondents No.5 and 6 to face the trial alongwith the co-accused. However, both the Courts i.e. the trial Court and the Revisional Court declined the same vide impugned orders dated 02.01.2023 and 17.03.2026, respectively. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently submitted that during the course of investigation, respondent No.4, namely Jaswinder Singh, who is himself an accused in the present case, moved an application before respondent Nos.2 and 3 i.e. the SSP, Rupnagar and SHO, Police Station Nangal, respectively, seeking to project the innocence of respondent Nos.5 and 6, who admittedly are his son and brother. It is contended that acting upon the said application with undue haste and without conducting a fair, impartial and independent investigation, respondent No.3-SHO, on the very same day, proceeded to inquire into the matter and exonerated respondent Nos.5 and 6 from the allegations levelled against them. Consequently, the challan came to be presented only against respondent No.4, whereas respondent Nos.5 and 6 were deliberately kept in Column No.2 of the challan despite there being sufficient material available on record indicating their active involvement in the commission of the offence. Learned counsel further submits that the petitioner, being aggrieved by the



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arbitrary and mechanical manner in which respondent Nos.5 and 6 were shielded during investigation, moved an application under Section 319 Cr.P.C. before the learned trial Court for summoning Gurkirat Singh @ Guri (respondent No.5) and Kulwinder Singh @ Kindi (respondent No.6) as additional accused to face trial along with the other accused person. However, the learned trial Court, without properly appreciating the evidence already available on record and the settled principles for exercising the powers under Section 319 Cr.P.C., illegally and erroneously dismissed the said application vide order dated 02.01.2023. It is further contended that the said order dated 02.01.2023 was rightly set aside by the learned Additional Sessions Judge, Rupnagar vide order dated 11.11.2024, while directing the learned trial Court to reconsider and decide the application under Section 319 Cr.P.C. afresh. However, respondent No.6, with an apparent intention to delay the proceedings and evade trial, challenged the order dated 11.11.2024 before this Court by filing CRM-M-59612-2024, which was disposed of vide order dated 26.03.2025 with a direction to the trial Court to decide the application under Section 319 Cr.P.C. afresh. He submits that despite the existence of cogent evidence indicating the complicity of respondent Nos.5 and 6, learned Additional Sessions Judge, vide impugned order dated 17.03.2026, dismissed the revision petition filed by the petitioner in a mechanical manner, without duly considering the material evidence and the settled legal position. It is argued that the impugned order suffers from patent illegality, non-application of mind and has resulted in serious miscarriage of justice to the petitioner. He, thus, submits that the view taken by both the Courts i.e. the trial Court and Revisional Court, is against the



evidence on record and the law settled. 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, both the Courts below have failed to appreciate the same and thus, rejected the application/revision petition under Section 319 Cr.P.C. filed by the petitioner in a mechanical manner. He, thus, submits that impugned orders declining the application/revision petition under Section 319 Cr.P.C. filed by the petitioner-complainant for summoning respondents No.5 and 6, deserves to be set aside.

4. After hearing learned counsel for the petitioner and perusing the record, it is deciphered that the FIR in the present case was registered on the statement of the complainant-petitioner. In the present case, respondent Nos.5 and 6 were admittedly found innocent during the course of investigation and were accordingly kept in Column No.2 of the report submitted under Section 173 Cr.P.C. The investigating agency, after conducting inquiry into the allegations levelled against them, did not find sufficient material warranting their prosecution. Though learned counsel for the petitioner has vehemently argued that respondent Nos.5 and 6 were deliberately exonerated, however, except bald allegations, no cogent material has been brought on record to *prima facie* establish that the investigation was tainted with *mala fides* or conducted in a manner so arbitrary as to completely discard the conclusions drawn by the investigating agency. A perusal of the testimony of the complainant further reveals that except reiterating the allegations already levelled in the FIR, no fresh, substantive or compelling evidence surfaced during the course of trial so as



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to satisfy the stringent requirements contemplated under Section 319 Cr.P.C. Order passed by learned trial Court is very much clear regarding the injury and involvement of respondents No.5 and 6. Perusal of the order dated 17.03.2026 would also show that as per medical record of the complainant, he suffered only one injury and the same was declared as simple in nature by PW- Dr. Naomi Mangat. It is further revealed from the cross-examination of PW-4 SI Balvir Singh that during the course of investigation, it transpired that the head injury sustained by the complainant was caused with door and that respondent Nos.5 and 6 were found to have no role in the infliction of the said injury. Learned trial Court, while dismissing the application under Section 319 Cr.P.C., has duly appreciated the evidence available on record. The Revisional Court has also independently examined the matter and concurred with the findings recorded by the learned trial Court.

5. To understand the controversy in the case, 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 a fresh, 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 took cognizance of the offence upon which the inquiry or trial was commenced.”

6. 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 from the evidence led before the Court and such power should be exercised not 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.

7. From facts and circumstances of the present case, it is apparent that there was no material before the trial Court and the revisional Court, which could be termed as sufficient or more than *prima facie* case made out for framing of charge for summoning of additional accused as prayed for. Hon'ble Supreme Court has held that the Court should refrain from exercising its power under Section 319 Cr.P.C. in a mechanical manner. It has been held that power under Section 319 Cr.P.C. should be used sparingly in exceptional circumstances.

8. Weighing the facts and circumstances of the present case on the anvil of law settled by the Hon'ble Supreme Court, this Court is of the opinion that the trial Court as well as the revisional Court have rightly



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declined the application/revision petition for summoning the respondents-accused, as it would be nothing but a futile exercise and would defeat the ends of justice. Resultantly, the present petition is dismissed being devoid of any merit.

(RAJESH BHARDWAJ)
JUDGE

11.05.2026

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No