

2025-PHHC017247



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-1708-2010(O&M)

Date of Decision:-05.02.2025

Mishra Singh.

.....Petitioner.

Vs.

Gurjant Singh & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Satyam Arora, Advocate for
Mr. Vikas Kumar, Advocate for the Petitioner.

Ms. Sukhan Rangi Sekhon, Advocate for respondents no.1 to 3

JASJIT SINGH BEDI, J.(ORAL)

CRM-31047-2010

The prayer in the application under Section 5 of the Limitation Act is for condonation of 16 days delay in filing the present revision petition.

Heard.

For the reasons stated in the application, the same is allowed and the delay of 16 days in filing the present revision petition is condoned.

CRR-1708-2010

The present revision petition has been preferred against the judgment dated 30.11.2009 passed by Additional Sessions Judge, Patiala whereby the summoning order dated 11.07.2008 passed by Sub Divisional

Judicial Magistrate, Nabha in Complaint Case No.259 dated 3.8.2001 titled as Mishra Singh Vs.Gurjant Singh had been set aside and the complaint was dismissed.

2. The brief facts of the case are that the complainant/petitioner Mishra Singh instituted a complaint against 06 persons namely, Gurjant Singh, Baldev Singh, Gurnaib Singh, Dr. Varinder Kumar, Medical Officer, HC Darshan Singh and SI Sewa Singh levelling multiple allegations against them. Based on the preliminary evidence led, Gurjant Singh, Baldev Singh and Gurnaib Singh came to be summoned to face trial under Sections 323, 325 and 34 IPC vide order dated 11.07.2008 passed by Sub Divisional Judicial Magistrate, Nabha.

3. The aforementioned persons filed a revision petition before the Court of Additional Sessions Judge, Patiala against the order of summoning dated 11.07.2008 passed by Sub Divisional Judicial Magistrate, Nabha. The revisional court i.e. Additional Sessions Judge, Patiala held that Baldev Singh and Gurnaib Singh had already been convicted in FIR No.131 dated 10.05.2001 under Sections 341, 325, 323, 506 and 34 IPC. An application under Section 319 Cr.PC was moved in the Trial in case FIR No.131 to summon Gurjant Singh, which had been dismissed. Therefore, the question of a subsequent trial for the same offences did not arise. Thus, the summoning order was set aside.

4. The aforementioned order is under challenge in the present petition.

5. The Counsel for the petitioner contends that the impugned judgment is passed on conjectures and surmises. The material on record has not been considered in its proper perspective. The medical evidence was totally in consonance with the ocular account. Therefore, the impugned

order is liable to be set aside. He however concedes that FIR No.131 dated 10.05.2001 under Sections 341, 325, 323, 506 and 34 IPC had been registered at the instance of the complainant/petitioner in which Baldev Singh & Gurnaib Singh faced trial and were convicted. An appeal was filed by them before the court of Additional Sessions Judge, Patiala which came to be accepted and they were acquitted of the charges framed against them. The revision petition preferred by the complainant/petitioner impugning the judgment of acquittal stands dismissed.

6. The Counsel for the accused/respondents contends that whereas Baldev Singh and Gurnaib Singh were convicted by the Trial Court, Gurjant Singh was sought to be summoned under Section 319 Cr.PC but the said application was dismissed and that order was never challenged. Baldev Singh and Gurnaib Singh had preferred an appeal for setting aside the judgment of conviction and the same was set aside. The revision preferred by the complainant/petitioner stands dismissed by this Court vide order of the even date. Therefore, the present petition was liable to be dismissed.

7. I have heard Counsel for the parties.

8. Admittedly, FIR No.131 dated 10.05.2001 under Sections 341, 325, 323, 506 and 34 IPC was registered against the respondents/accused in which challan was submitted against Baldev Singh and Gurnaib Singh. An application under Section 319 Cr.PC was moved to summon Gurjant Singh which came to be dismissed. That order of dismissal was never challenged. Thereafter, Baldev Singh and Gurnaib Singh were acquitted by the appellate Court. The complainant/petitioner vide CRR-2199-2010 challenged the acquittal which petition has been dismissed vide order of the even date. The instant case filed by the complainant/petitioner itself amounts to double jeopardy in as much as the private respondents had already faced trial, were

convicted after which the judgment of conviction was set aside and the revision petition against the said order has been dismissed.

9. In view of the above, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

February 05, 2025

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>