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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR-878-2025(O&amp;M)

Date of Decision: 01.04.2025

Baljeet Singh

...Petitioner

vs.

State of Punjab and another

...Respondents

**Coram :** Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Imran Farooqi, Advocate  
for the petitioner.

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**N.S.Shekhawat J. (Oral)****CRM-13485-2025**

1. The petitioner has moved the instant application under Section 528 of BNSS read with Section 5 of Limitation Act for condonation of delay of 115 days in filing the present revision petition.
2. For the reasons mentioned in the application, the delay of 115 days in filing the present revision petition is condoned.
3. Application stands disposed off.

**CRM-13486-2025**

1. Prayer in the application is for placing on record the FIR and the application under Section 319 Cr.P.C. as Annexures P-1 and P-2.
2. Application is allowed as prayed for subject to all just exceptions. Annexures P-1 and P-2 are taken on record.

**CRR-878-2025**

1. The petitioner has filed the present petition against the impugned order dated 05.09.2024 passed by the Court of Judicial Magistrate 1<sup>st</sup> Class,



Malerkotla, whereby the application filed by the present petitioner under Section 319 Cr.P.C. for summoning Tarsem Singh, respondent No.2 as an additional accused was ordered to be dismissed.

2. Learned counsel for the petitioner contends that Tarsem Singh, respondent No.2 was specifically named by the present petitioner in the FIR (Annexure P-1), which was got registered by him, without any undue delay. It was not only mentioned in the FIR, but he was assigned a specific role by the complainant. However, he was wrongly declared innocent by the Investigating Officer in the present case. During the course of trial, the petitioner/complainant appeared as PW-1 and reiterated the version mentioned in the FIR. It was clearly stated that the petitioner had also come at the spot along with the other accused and they had caused injuries to him, due to a dispute relating to distribution of water, pending between the parties. After recording the statement of PW-1/complainant, the application under Section 319 Cr.P.C. was moved by him, which has been wrongly disallowed by the trial Court.

3. I have heard learned counsel for the petitioner and perused the record.

4. In the present case, no doubt, Tarsem Singh, respondent No.2 was specifically named by the petitioner in the FIR (Annexure P-1), but no specific role has been assigned to him. Even during the course of investigation, the police found that it was a case under Sections 323, 325, 148, 149 of IPC and the final report under Section 173 Cr.P.C. was presented by the police against five accused in the present case. It was also found that the petitioner was not present at the place of occurrence. Even during the course of trial, Baljit Singh



appeared as PW-1 and again named Tarsem Singh, Respondent No.2, however, no specific injury was attributed to him. Even during investigation, it was found by the police that Tarsem Singh was working in some company at Amloh, District Fatehgarh Sahib and used to commute from his village Toggaheri, where he was residing with Gurdev Singh son of Mahinder Singh. Further, on the date of occurrence, he had left his home at about 8.00 am and returned at 8.00 p.m. to village Toggaheri. Thus, it was found that the petitioner was not present in the village at the time of occurrence. Moreover, at this stage, there is no evidence or any credible material, which could be a ground to invoke the discretionary power of the Court to summon the accused under Section 319 Cr.P.C. Except the bald statement of PW-1 Baljit Singh, there is no other evidence to show the involvement of the petitioner in the alleged crime. Thus, the trial Court has correctly declined the prayer of the petitioner under Section 319 Cr.P.C to summon respondent No.2 in the present case.

5. Finding no merits in the present case, the petition is ordered to be dismissed.

**01.04.2025**  
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**(N.S.SHEKHAWAT)**  
**JUDGE**

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