

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-1405 of 2013 (O&M)
Date of Decision:26.5.2015

Paramjit Kaur alias Pammi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. A.P.S. Deol, Senior Advocate with
Ms. Sagrika, Advocate for the petitioner.

Mr. P.S. Garewal, DAG, Punjab for the respondent.

NAVITA SINGH, J.

1. The present petition has been filed for setting aside order dated 16.2.2013 (Annexure P1), vide which the petitioner was summoned as an additional accused under Section 319 of the Code of Criminal Procedure and order dated 14.3.2013, vide which charge was ordered to be framed against her and the charge sheet of even date.

2. FIR No.56 dated 11.7.2011 was registered under Section 304-B read with Section 34 of the Indian Penal Code (IPC for short) against the present petitioner along with others on the complaint of Manjit Singh. The allegations were that the daughter of the complainant was married with Gurdeep Singh and after sometime of the marriage, the husband i.e. Gurdeep Singh and his sister Paramjit Kaur (petitioner) started torturing Harpreet Kaur on account of dowry. An amount of Rs.50,000/- was demanded. On 11.7.2011, i.e. the day of the lodging of the FIR, the complainant received an information that his daughter had consumed some poisonous substance or she was forced to consume it. When the complainant reached the hospital, his daughter's husband Gurdeep Singh, sister-in-law Paramjit Kaur and father-in-law Ranjit Singh were present there

along with Jaila younger brother of Gurdeep. Harpreet Kaur was saying that she was administered poison by her husband Gurdeep Singh, father-in-law Ranjit Singh and sister-in-law Paramjit Kaur. On hearing this, all the accused went away from there. Harpreet Kaur later on died.

3. Counsel for the petitioner submitted that Paramjit Kaur was declared innocent during investigation but she was summoned as an additional accused after recording statement of the complainant. He referred to the statement of complainant Manjit Singh in court, where he spoke about the marriage, the demand of dowry by the accused persons from his daughter and about his daughter having been administered some poisonous substance. However, at one stage, complainant deposed that when he reached the hospital, his daughter Harpreet Kaur was lying unconscious and she had not disclosed anything to him.

4. Counsel for the petitioner submits that since the complainant was declared hostile, there was no occasion to summon the petitioner as an additional accused.

5. The arguments as above, would not be acceptable because only on account of stating that Harpreet Kaur was unconscious, the prosecutor was given permission to cross examine the witness who stood by the allegations in the cross examination. He categorically stated that his daughter had told him that her husband, father-in-law and sister-in-law had given some poisonous substance to her and that after that the members of the family of her-laws slipped away from the hospital. The witness named Paramjit Kaur at various places in his entire statement.

6. Counsel for the petitioner submitted that other evidence was recorded after that in which no incriminating material was found against the petitioner. This would again be of no avail because complainant was the

star witness of the case and his statement was sufficient for summoning the petitioner as an accused. Merely because at one place he said that his daughter had not disclosed anything before death, would not mean that the order passed by the trial Court was legally not tenable.

7. The impugned order was passed on 16.2.2013. It is submitted that charge sheet was prepared and charges were framed against the petitioner on 14.3.2013. Between the said period, the petitioner filed an application for anticipatory bail, which was allowed on 10.4.2013. It is not explained as to why at that time though the petitioner was aware of the order of the summoning, she did not challenge the order and sought only anticipatory bail. She chose to challenge the order only after charge was drawn up against her.

8. In any case, petitioner was named in the FIR and according to the complainant she was named before her death by his daughter. It cannot be ruled out that during investigation she was found innocent by the police for certain other reasons.

9. The order in question makes a mention that Amarjit Kaur, mother of the deceased, had also deposed that Harpreet Kaur had been administered some poisonous substance by Gurdeep Singh, Ranjit Singh and Paramjit Kaur.

10. As a sequel to the facts and circumstances given above, I find no ground for setting aside the order dated 16.2.2013 vide which the petitioner was summoned as an accused. Consequently, there is no question of setting aside the order dated 14.3.2013.

11. The petition is dismissed.

(NAVITA SINGH)
JUDGE

26.5.2015
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