

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

Crl. Revision 2691 of 2013
Date of Decision : July 30, 2015

Roop Singh

.....Petitioner

VERSUS

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN**

Present : Mr. Arihant Jain, Advocate
for the petitioner.

T.P.S. MANN, J.

The petitioner, who is father of prosecutrix/deceased-Reena Devi @ Reena Rani, has filed the present revision under Section 401 Cr.P.C. for challenging the order dated 4.2.2013 passed by the Additional Sessions Judge (Fast Track Court), Patiala whereby application under Section 319 Cr.P.C. for summoning Gurtej Singh, Birbal Singh and Darshan Singh, the private respondents, as additional accused, stands dismissed.

The case of the prosecution in nutshell is that on 15.6.2010, the daughter of the petitioner was kidnapped, raped and murdered and in that regard FIR No. 106 dated 27.6.2012 under Sections 302, 366, 376(2)(g) and 120-B IPC was registered at Police Station City, Samana against Mangal Singh, Gurtej

Singh, Birbal Singh, Darshan Singh and Kulwant Singh. Upon completion of the investigation, final report under Section 173 Cr.P.C. dated 17.11.2012 was submitted against Mangal Singh accused only for committing the offences under Sections 306 and 376 IPC whereas Gurtej Singh, Birbal Singh and Darshan Singh, the private respondents and Kulwant Singh were shown in column No. 2 of the said report. Subsequent to the commitment of the case, the Additional Sessions Judge (Fast Track Court), Patiala vide order dated 2.1.2013 charged Mangal Singh for the offences under Sections 306 and 376 IPC. In support of its case, the prosecution examined petitioner-Roop Singh and one Jarnail Singh. Thereafter, an application under Section 319 Cr.P.C. was filed on 29.1.2013 for summoning the private respondents, who were shown in column No. 2 of the final report, as additional accused. Reply to the said application was filed by Mangal Singh-accused. After hearing learned Additional Public Prosecutor and learned counsel for accused-Mangal Singh besides perusing the evidence, which had come on the file, the trial Court found no merit in the application and, accordingly, declined the prayer of the prosecution to summon the private respondents as additional accused.

After hearing learned counsel for the petitioner and on going through the impugned order, this Court finds that Roop

Singh did not have any personal knowledge regarding the incident nor he knew as to who were the accused. He based his testimony on the information received by him from Jarnail Singh. Said Jarnail Singh has testified that on 15.6.2010 at about 6.00/7.00 a.m. when he was going towards his fields, he saw a jeep coming from the side of Samana and in that jeep a lady was sitting with Gurtej Singh whereas Darshan Singh, Birbal Singh and Mangal Singh were sitting in the hind portion of the jeep. After about one hour when he returned to his village, he heard the noise in the house of Chand Singh and learnt that a girl had come to the house of Chand Singh, who has been killed. However, he did not depose that any of the private respondents had raped the prosecutrix or compelled her to consume poison as a result of which she had died. He also did not depose as to who the girl was when he saw her in the jeep. Even otherwise Jarnail Singh is an interested person as he admitted that his brother Baldev Singh was having dispute regarding a house with their sister and he was helping his sister. Besides, he had purchased the house in question from his sister for a sum of Rs.2,50,000/-. Said Baldev Singh's son Gurtej Singh is one of the private respondents and sought to be summoned under Section 319 Cr.P.C. Jarnail Singh has also admitted that Birbal Singh and Darshan Singh, two of the other three private respondents had moved applications

against him.

For the aforementioned reasons, no fault can be found with the impugned order dated 4.2.2013 passed by the trial Court declining the application of the prosecution under Section 319 Cr.P.C.

The revision is without any merit and, accordingly, dismissed.

**(T.P.S. MANN)
JUDGE**

July 30, 2015
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**(MAHAVIR S. CHAUHAN)
JUDGE**