

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

Criminal Revision No. 120 of 2015 (O&M)

Date of decision : 14.01.2015

Paramjit Kaur

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. K.S. Sidhu, Advocate
for the petitioner.

LISA GILL, J.

The petitioner prays for setting aside order dated 21.11.2014 whereby the application under Section 319 Cr.P.C. for summoning Karamjit Kaur as an additional accused has been rejected. Learned counsel for the petitioner urges that specific averments have been made against the said Karamjit Kaur in the FIR and in view of the same, learned trial Court has erred in rejecting application under Section 319 Cr.P.C.

FIR No. 109 dated 06.05.2013 was registered on an application submitted by the petitioner Paramjit Kaur to the effect that her husband Balwinder Singh had passed away on 22.01.2012 and some of their articles i.e. three gas cylinders, one RC of their car, documents of bank account of her husband and documents pertaining to their house were lying at the house of Gurlal Singh – her brother-in-law and the husband of respondent No. 2 – Karamjit Kaur. Her son Mandeep Singh @ Bobby went to Gurlal Singh's

house on 27.08.2012 to collect said documents and cylinder but the said *Gurlal Singh etc.* refused to hand over these objects and threw out their son by pushing him. Thereafter, her son went to the house of one Parveen with whom her son had been residing for the last about 3-4 months. Parveen, who is facing trial as an accused, told him that she will not allow him to visit his mother and sister and asked him to shift to Talwara and join her there. She also abused her son. Due to the tension created, her son consumed celphos tablets and ultimately passed away. The relevant part of the FIR reads as under:-

“ Above said Gurlal Singh is my brother-in-law (Nandoi) and Karamjit Kaur is my sister-in-law (Nanad) and above said Parveen with whom my son was residing from last about 3/4 months. My husband Balwinder Singh died on 22.01.2012. Our few articles i.e. three gas cylinder, one RC of car, documents of bank account of my husband and documents of our house were lying at house of above said Gurlal Singh. On 27.08.2012 my son Mandeep Singh @ Bobby went to house of Gurlal Singh to collect all these documents and cylinder but above said Gurlal Singh etc. refused to hand over all these things and they threw my son out of their house by giving him pushes. Due to that my son went to house of above said Parveen. Above said Parveen told to my son that she will not allow him to visit his mother and sister and asked him to shift to Talwara, where is his house and to join her there and she also abused my son. Due to tension created by this person my son consumed selfas tablets and my son got admitted at Civil Hospital, Bathinda and there he gave phone number of his sister

Navdeep Kaur to the doctor and also gave phone number of above said Parveen. When doctor call Parveen on her number then Parveen stated that she have no concern with above said Mandeep Singh @ Bobby.”

Gurlal Singh and Parveen are facing trial in this case.

Case was never registered against Karamjit Kaur as no role whatsoever has been attributed to her.

It is apparent that there is in fact no allegation qua respondent No. 2 – Karamjit Kaur to suggest that she ever instigated or abetted the commission of suicide by Mandeep Singh. It is for the first time that the petitioner has tried to rope in Karamjit Kaur, who is her sister-in-law while testifying before the Court. Earlier, an application under Section 319 Cr.P.C. was filed for summoning Karamjit Kaur as an additional accused after recording the testimony of the petitioner. The said application was dismissed by the trial Court on 11.04.2014. The said order has attained finality. The present application (Annexure P-3) has been moved again after the deposition of Navdeep Kaur i.e. sister of the deceased Mandeep Singh and the petitioner's daughter. Navdeep Kaur has deposed on similar lines as the petitioner.

On perusal of the facts and circumstances of the case, it is apparent that there is no material irregularity in the impugned order. Application under Section 319 Cr.P.C. has been rightly dismissed. There is nothing on record to suggest that respondent No. 2 has ever instigated or abetted the commission of suicide by

Mandeep Singh. It is for the first time that the petitioner and Parveen have raised a bald allegation in the testimony before the Court. The said assertion by itself is not sufficient to summon Karamjit Kaur as an additional accused in this case.

The Hon'ble Supreme Court in **Hardeep Singh versus State of Punjab and others** 2014 (1) RCR (Criminal) 623 has observed as under:

“ Power Under Section 319 Cr.P.C. is a discretionary and an extra-ordinary power. It is to be exercised sparingly and only in those cases where the circumstances of the case so warrant. It is not to be exercised because the Magistrate or the Sessions Judge is of the opinion that some other person may also be guilty of committing that offence. Only where strong and cogent evidence occurs against a person from the evidence led before the court that such power should be exercised and not in a casual and cavalier manner.”

There is no ground which calls for interference by this Court in exercise of revisional jurisdiction.

In view of the above, this revision petition is dismissed.

January 14, 2015
rts

(LISA GILL)
JUDGE