

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

CRR No.2034 of 2014 (O&M)

Date of decision: 9.3.2014

Nirmala Gollan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Thakur, Advocate for the petitioner.

Mr. Vikas Malik, Dy. Advocate General, Haryana.

Mr. Arvind Bansal, Advocate for respondents No.2 & 3.

Rajan Gupta, J. (oral)

Challenge in the instant petition is to order dated 5.5.2014, passed by the trial court under section 319 Cr.P.C. refusing to summon additional accused.

Learned counsel for the petitioner has vehemently argued that statement of Nirmala, who deposed as PW3, clearly shows that there are serious allegations against other accused. The trial court has gravely erred in rejecting the application under section 319 Cr.P.C.

Prayer has been opposed by counsel appearing for private respondents. According to him, father-in-law of the prosecutrix is more than 70 years old. Prosecutrix has levelled bald allegations against him. Besides, her effort is to implicate other members of the family including married brother-in-law (Devar).

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that prosecutrix moved an application under section 156 (3) Cr.P.C. before Judicial Magistrate 1st Class, Kaithal. Taking cognizance of same, instant FIR was registered against husband Davinder Golan under sections 323, 354, 376-B, 506, 509, 354-B IPC. During pendency of trial, petitioner appeared as PW3. In her statement she levelled allegations against her father-in-law and brother-in-law. Application was moved under section 319 Cr.P.C. to summon them as additional accused. Trial court rejected the same observing that Section 319 Cr.P.C. could not be invoked merely on the asking of the prosecutrix. Only if court is satisfied that the nature of evidence is such that it appears other accused have committed some offence, it would summon them. I find no infirmity with the order passed by the trial court.

Dismissed.

(RAJAN GUPTA)
JUDGE

9.3.2014
'rajpal'