IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No.2026 of 2015

Date of Decision: 08.09.2015

Ranjit Kaur @ Rani

..... Petitioner

Vs.

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. P.S.Ahluwalia, Advocate for the petitioner.

Mr. K. S.Sidhu, Deputy Advocate General, Punjab
for respondent No.1/State along with ASI Bhola Amir Singh.

None for respondent No.2/complainant in spite of service.

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JASWANT SINGH, J. (Oral)

The petitioner is the married sister-in-law of the deceased-Ramandeep Kaur, qua whose death in her matrimonial home, her brother-Sandeep had lodged an FIR No.39 dated 20.04.2014, under Sections 302, 304-B and 120-B, IPC, registered with Police Station Balachaur, District S.B.S. Nagar.

The allegations in the F.I.R. were made against all the family members of the husband, however, upon investigation, the challan was filed against the husband, father-in-law, brother-in-law (Jeth) and unmarried sister-in-law. The petitioner having got married wayback in the year 1985 and being a resident of Garhshankhar, District Hoshiarpur was found innocent and placed in Column No.2 of the challan/report.

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The present petition under Section 482 Cr.P.C. has been filed impugning the order dated 09.04.2015 (**Annexure P-1**), passed by learned Addl. Sessions Judge, S.B.S. Nagar, whereby she has been summoned as an additional accused to face trial on an application under Section 319 Cr.P.C. filed by the prosecution.

Learned Counsel for the petitioner submits that except the allegations as contained in the FIR and which, on investigation, were found to be incorrect, no other evidence has been adduced and the impugned order (**P-1**) has been passed solely on the basis of the testimony of the complainant-Sandeep Kumar. It is thus submitted that the learned trial Court has totally misdirected itself in construing the mandate of the Hon'ble Supreme Court in case reported as '**Hardeep Singh** *Versus* **State of Punjab, 2014 (1) R.C.R. (Crl.) 623'.**

Upon notice, none has appeared on behalf of respondent No.2/complainant.

Learned State Counsel has supported the impugned order (**P-1**).

After hearing learned Counsel for the parties, it is apparent that except a parrot like reiteration of the original allegations found to be incorrect, no other evidence has been led so as to form the basis for summoning the petitioner as additional accused. It is testified by the complainant that his sister-Ramandeep Kaur (since deceased) on the day of occurrence on 20.04.2014 had informed him on telephone while crying that she was being harassed on account of dowry by her father-in-law, husband, unmarried sister-in-law/Sonia @ Sona, Jeth-Jaswinder Singh @ Jassi and Ranjit Kaur @ Rani, however, on investigation, it was found that the petitioner-Rani was not at the residence of Ramandeep Kaur i.e. the parental house of the petitioner-Ranjit Kaur @ Rani. It is further stated that on the day of

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occurrence, she was in her matrimonial home at Garshankhar.

In view of the above, the present revision petition is allowed and impugned order (**P-1**) is set aside.

September 08, 2015 **(JASWANT SINGH)**
Gagan **JUDGE**

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