

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

CRR No.2974 of 2015 (O&M).
Decided on:-August 21, 2015.

Anita.

.....Petitioner.

Versus

Onkar and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment? Yes
2. To be referred to reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes

Present:- Mr. Jitender Dhanda, Advocate
for the applicant-petitioner.

HARI PAL VERMA, J.

CRM-27140-2015

This is an application filed by the applicant-petitioner for correction in memo of parties and placing on record the amended memo of parties.

As per the application, due to typographical mistake, Jasbir son of Sonu and Sonu son of Dharambir have been typed in place of Jasbir son of Inder Singh and Sonu daughter of Dharambir.

Accordingly, the application is allowed and necessary correction in the memo of parties as referred in the application is ordered to

be carried out. Amended memo of parties is taken on record.

Main Case

The petitioner has filed the present revision petition against order dated 8.7.2015 passed by learned Additional Sessions Judge, Jind whereby the application filed by the petitioner-complainant under Section 319 Cr.PC seeking prayer for summoning of respondents No.1 to 5-accused, namely, Onkar son of Jage Ram, Kartar son of Munshi Ram, Kuka @ Satbir son of Rattan, Jasbir son of Inder Singh and Sonu daughter of Dharambir, all residents of village Behbalpur, Police Station, Sadar Jind, was dismissed.

While dismissing the application under Section 319 Cr.PC vide order dated 8.7.2015, learned Additional Sessions Judge has observed in para No.10 as under:

“10. From perusal of suicide note allegedly written by the deceased Brahmpal it is revealed that he has alleged being aggrieved by the complaint moved against him by one of the accused Dharambir and therein time and again has mentioned himself to be an innocent person against whom false complaint had been allegedly moved by the accused Dharambir. As has been pointed out by learned PP though in the suicide note the deceased has also mentioned the names of Yurpal, Onkar, Kartar, Kuka @ Satbir son of Rattan, Jasbir son of Inder, Sonu d/o Dharambir and mentioned that all of them had compelled him to commit suicide but the deceased has nowhere described their specific roles in his alleged harassment. Except the complaint Ex.PB of PW3 Anita and suicide note of deceased

Brahampal regarding which the police had already conducted investigation before filing the challan nothing more is available on record to show the complicity of the persons sought to be summoned as additional accused in the crime in question. The complainant when appeared in the witness box as merely reiterated her allegations already contained in Ex.PB.”

Learned counsel for the petitioner has contended that the accused referred in the application moved under Section 319 Cr.PC are required to be summoned as their names duly find mentioned in the FIR as well as in the suicide note written by deceased Brahampal. There is enough evidence available on the file to show the active involvement of these persons. Therefore, they are necessary to be summoned and to face trial in the case. He has further contended that the suicide note written by deceased Brahampal was sent to the Forensic Science Laboratory, Madhuban and the said laboratory vide its report dated 26.3.2014 (Annexure P-3) has reported that the writing in the diary of deceased Brahampal and the suicide note are the same. Said Brahampal had committed suicide and had made allegations against the accused. The petitioner-complainant who appeared as PW1 has supported the case of the prosecution and had deposed about the alleged role of all the five accused and, therefore, the above named accused are required to be summoned to face trial in the case.

I have heard learned counsel for the petitioner.

The suicide note dated 15.7.2013 (Annexure P-2) as attached

along with this petition has been perused. There is no specific allegation of harassment against these persons named to be summoned. The police has thoroughly investigated the matter and has found that the above named persons are innocent and accordingly, they were not challaned by the police.

The petitioner-complainant while appearing in the witness box as PW1 has admitted that Dharambir (summoned accused) had filed a complaint against her husband i.e. deceased Brahampal to the Superintendent of Police alleging outraging the modesty of his daughter Sonu for which said Brahampal was summoned by the police. The said Brahampal who consumed spray in the filed on 15.7.2013 had expired on 18.7.2013. A perusal of the suicide note reveals that Dharambir had made allegations against Brahampal and for this reason, he had mentioned the name of Dharambir in the suicide note. Except a complaint submitted by petitioner-complainant Anita and suicide note of deceased Brahampal wherein allegations have been made against the persons to be summoned, there is no other material against them. In the FIR, the police has already conducted investigation before filing the challan and nothing incriminating has come against these persons which may show the involvement of the persons sought to be summoned as additional accused.

Accordingly, I find no reason to interfere with impugned order dated 8.7.2015 passed by learned Additional Sessions Judge, Jind whereby application under Section 319 Cr.PC moved by the petitioner-complainant

was dismissed.

In view of the above, the present petition, being devoid of any merit, is dismissed.

August 21, 2015
'Yag Dutt'

(HARI PAL VERMA)
JUDGE