

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

CRR-345-2015 (O&M)

Date of Decision: September 03, 2015

Vidya Devi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Vishal Sodhi, Advocate
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J.(ORAL)

CRM-3421-2015

Prayer in this application filed under Section 482 Cr.P.C. read with Section 5 of the Limitation Act, is for condonation of delay of 226 days in filing the revision petition.

After hearing learned counsel for the parties and going through the contents of the application, which is duly supported by an affidavit, delay of 226 days in filing the present revision petition is hereby condoned.

CRM disposed of.

CRR-345-2015

Challenge in this criminal revision petition is to the order dated 20.03.2014 (Annexure P-1) whereby the petitioner has been summoned to face trial along with her co-accused for the offence punishable under Section 306 IPC, on an application presented under Section 319 Cr.P.C.

Learned counsel contends that PW-1 and PW-2 during the depositions before learned trial Court have improved their version, therefore the same cannot be utilised for summoning the petitioner to face trial along with co-accused. He further submits that the petitioner may be permitted to withdraw the present petition with liberty to the petitioner to cross-examine the witnesses before framing of the fresh charges.

Learned counsel for the State submits that the prosecution examined PW-1 Giano wife of Sant Ram and PW-2 Sant Ram i.e. the parents of Harpreet Kaur (since deceased). Both of them have specifically deposed with regard to the role assigned to the petitioner in abetting Harpreet Kaur (since deceased) for committing suicide. He further submits that the second argument of the learned counsel for the petitioner has no

legs to stand, since the same is not based upon any provision of the Criminal Procedure Code.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

This Court finds that at the time of registration of the case, the petitioner was named as one of the accused but during investigation, she was declared innocent and, as such, charge-sheet (report under Section 173, Cr.P.C.) was filed against the co-accused of the petitioner only. Learned trial Court framed the charge under Section 306, IPC, against the co-accused of the petitioner and directed the prosecution to lead its evidence.

Giano wife of Sant Ram and mother of Harpreet Kaur (since deceased) appeared as PW-1 and specifically deposed about the role assigned to the petitioner. Perusal of the deposition placed on record of the paper book, would reveal that specific allegations have been levelled against the petitioner.

Similarly the perusal of the deposition of Sant Ram- PW-2, who is father of Harpreet Kaur (since deceased), would also reveal that specific allegations are emerging against the petitioner and the same are sufficient for summoning the petitioner as an additional accused to face trial along with her co-accused.

The second submission of the learned counsel for the petitioner is unknown to the procedure laid down in Criminal Procedure Code. The petitioner cannot be permitted to cross-examine the witnesses already produced by the prosecution before framing fresh charges as an accused or in other way before framing of the charges against her. Needless to say, that after appearance before the learned trial Court, the *de novo* trial would take place. Therefore, second argument of the learned counsel for the petitioner is devoid of any force and is same hereby rejected.

In view of the totality of the facts and circumstances of the case, there is no merit in this criminal revision petition and the same is hereby dismissed.

September 03, 2015
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(NARESH KUMAR SANGHI)
JUDGE