

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

Criminal Revision No.3453 of 2015

Date of Decision: 15.09.2015

Ranbir Singh

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Prabhjeet Singh Sullar, Advocate for the petitioner.

JASWANT SINGH, J.

The complainant-Ranbir Singh has filed the present revision petition impugning the order dated 31.07.2015, passed by the learned Additional Sessions Judge, Jind, whereby the application of the complainant/petitioner under Section 319 Cr.P.C. for summoning of Sonu and Sandeep as additional accused to face trial in case FIR No.291 dated 15.10.2013 for commission of offence under Sections 306/34 of the Indian Penal Code, registered with Police Station Uchana, District Jind, has been dismissed.

In brief, the undisputed facts are that the complainant-Ranbir has two sons, namely, Balwinder and Sudhir (since deceased). They both were married in March, 2006 with Usha and Kavita respectively, who are the daughters of one Khajjana of Village Genda Khera and sisters of Sonu and Sandeep. Balwinder and Usha have two children, one son and one daughter, whereas Sudhir (since deceased) and Kavita have one daughter.

The grievance and the allegation of the complainant is that the said Khajjana used to time and again take his two daughters to their parental home at Village Genda Khera during the harvesting season, which is disliked by the family of the complainant.

As per the allegations in the aforesaid FIR, on 08.10.2013 at about 10:00 AM, his son Sudhir had gone to bring his wife-Kavita back from her parental home at Village Genda Khera in his Alto car and at around 2:10 PM, brother-in-law (Saala)-Sonu of Sudhir telephoned on the mobile of Sudhir and informed that his son-Sudhir was lying admitted in the Civil Hospital, Uchana. When the complainant and his wife and another person reached the Civil Hospital, Sonu and Sandeep upon seeing them ran away from the hospital. The son-Sudhir finally died in the hospital on 15.10.2013 at 1:45 PM and the said FIR was lodged with the allegation that Sonu, Sandeep and mother-in-law, namely, Kamla had together administered some poisonous substance/medicines in the food of Sudhir, resulting into his death.

The said allegations were thoroughly investigated by the police and the said Sonu and Sandeep were found innocent. Upon re-investigation conducted by the Crime Branch, they were yet again found innocent and accordingly were put in Column No.2 of the Challan.

During the trial against main accused-Khajjan Singh, upon the testimony of the complainant-Ranbir, an application under Section 319 Cr.P.C. was moved for summoning of Sonu and Sandeep as additional accused to face trial.

A perusal of the testimony clearly reveals that the complainant has introduced many improvements so as to make out a case for nomination of the said Sonu and Sandeep, both sons of Khajjan Singh @ Khajjana as additional accused. It has been now added that when Balwinder and Ram Chander, who are the son and

Bhanja of the complainant-Ranbir had earlier gone to the house of Khajjana to get back the daughter-in-laws to their matrimonial home, the accused (including Sonu and Sandeep) had threatened to liquidate if Sudhir would come to their house. It is also now added that on the day of occurrence at around 2 PM, the complainant had made a call on the mobile of his son-Sudhir, who told him that the accused (including Sonu and Sandeep) had administered some poisonous substance to him. It is further stated that when this version was going on with his son, then Sonu had snatched the mobile from his son-Sudhir and told that he was shifting to Uchana Hospital.

Keeping in view the aforesaid unexplained improvements, the approach of the learned trial Court in refusing to summon the said Sonu and Sandeep, who were found innocent on thorough investigation, in the absence of any other material on record, cannot be said to be arbitrary or illegal. Therefore, the impugned order dated 31.07.2015 is liable to be upheld.

In view of the above, the present petition stands dismissed.

September 15, 2015

Gagan

(JASWANT SINGH)
JUDGE