

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

CRR No.418 of 2015

Date of Decision: **9.2.2015**

Jagjit Singh

...Petitioner

Versus

State of Punjab & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE MEHINDER SINGH SULLAR

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

Mehinder Singh Sullar, J. (Oral)

The compendium of the facts & material, which needs a necessary mention, for the limited purpose of deciding the core controversy, involved in the instant revision petition and emanating from the record, is that, initially, in the wake of statement of petitioner-complainant Jagjit Singh s/o Balwinder Singh (for brevity “the complainant”), a criminal case was registered against main accused Harjit Singh (husband), Kulwant Singh & Surjit Kaur (parents-in-law), Gurjit Singh (brother-in-law) and his wife Ramandeep Kaur (sister-in-law) of Amandeep Kaur (deceased), vide FIR No.74 dated 4.7.2013, on accusation of having committed an offence punishable under section 304-B IPC by the police of Police Station Mamdot, District Ferozepur.

2. During the course of investigation of the case, Kulwant Singh & Surjit Kaur (parents-in-law) and Gurjit Singh (brother-in-law) & Ramandeep Kaur (sister-in-law) (respondents Nos.2 and 3) were found innocent and exonerated by the investigating agency. However, after completion of the investigation, the police submitted the final police report

(challan) against main accused Harjit Singh (husband) only. He was accordingly charge sheeted for the commission of pointed offence and the case was slated for evidence of the prosecution by the trial Court.

3. Sequely, the prosecution, in order to substantiate the charges framed against the accused, examined Jagjit Singh (complainant) as PW2, where he has also named the indicated exonerated accused. Consequently, the application u/s 319 Cr.PC filed on behalf of prosecution, was partly allowed and parents-in-law of the deceased were ordered to be summoned as additional accused to face the trial along with their other main co-accused for the indicated offence. At the same time, the application to summon respondent Nos.2 and 3 as additional accused, was dismissed, by virtue of impugned order dated 7.1.2015 by the trial Court.

4. Aggrieved thereby, the petitioner-complainant preferred the present revision petition to challenge the impugned order, invoking the provisions of section 401 Cr.PC.

5. Having heard the learned counsel for the petitioner, having gone through the record with his valuable help and after bestowal of thoughts over the entire matter, to my mind, there is no merit in the instant revision petition in this respect.

6. Ex facie the argument of learned counsel that since there was sufficient evidence on record, so, the trial Court committed a legal mistake not to summon respondents No.2 and 3 as additional accused, lacks merit.

7. As is evident from the record that, all the allegations of cruelty in connection with and on account of demand of dowry soon before the death of Amandeep Kaur, were assigned to main accused Harjit Singh (husband) and his parents. Respondent No.2 is brother-in-law, whereas

respondent No.3 is sister-in-law of the deceased. Neither any specific instances of cruelty nor any overt-act is attributed to them. Very vague and general allegations are assigned to them in the FIR in this relevant direction. No cogent material is forthcoming on the record to show that how, when and in what manner, they have treated the deceased with cruelty in connection with and on account of demand of dowry. It is now well settled principle of law that in order to attract the penal provision of section 304-B IPC against the other relatives of the husband, there must be specific allegation/overt acts and prima facie material to indicate that they have treated the deceased with cruelty in connection with and on account of specific demand of dowry soon before her death. For the fault of the husband, the other relations cannot and indeed should not, in all cases, be held to be involved in this regard. In cases, where such accusation is made, the overt acts attributed to such persons, other than husband, are required to be prima facie established. By mere conjectures and implications, such relations cannot be held to be involved for such offences, which are totally lacking in the present case.

8. Therefore, taking into consideration the inherent improbabilities and other attending circumstances, the trial court, while summoning the parents-in-law, has refused to summon respondent Nos.2 and 3 as additional accused to face the trial along with their other main accused, by means of impugned order dated 7.1.2015.

9. Meaning thereby, the trial Court has examined the matter in the right perspective, recorded the cogent grounds and correctly did not summon the respondents Nos.2 and 3 as additional accused to face the trial along with their other co-accused. The learned counsel for petitioner did not

point out any reason, muchless cogent, to interfere in the impugned order in this regard. Such order, containing valid reasons, cannot possibly be interfered with by this Court, in the exercise of limited revisional jurisdiction under Section 401 Cr.PC, unless and until, the same is illegal, perverse and without jurisdiction. Since no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner-complainant, so, the impugned order deserves to be and is hereby maintained in the obtaining circumstances of the case.

10. No other legal point, worth consideration, has either been urged or pressed by the learned counsel for the petitioner.

11. In the light of aforesaid reasons, as there is no merit, therefore, instant revision petition is hereby dismissed as such.

9.2.2015
AS

(Mehinder Singh Sullar)
Judge