

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

**CRM No.M-36035 of 2015 (O&M)
Date of Decision: December 06, 2016**

Gurbakhash Kaur

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jagjit Singh, Advocate
for the petitioner.

Mr.D.S.Virk, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Prateek Pandit, Advocate
for respondents No.2 and 3.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab, Manjinder Kaur and Jyoti, for quashing of judgment dated 06.08.2015 passed by learned Sessions Judge, Kapurthala in criminal revision No.60 dated 03.06.2015 and for upholding the order passed by learned trial Court whereby respondents No.2 and 3 have been summoned under Section 319 Cr.P.C. to face trial.

Notice of motion was issued and learned State counsel as well as learned counsel for respondents No.2 and 3 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

From the record, I find that an application under Section 319 Cr.P.C. was filed by the complainant through learned APP by alleging that FIR was registered on the statement of complainant Gurbax Kaur. She levelled the allegations in her complaint before the police against the accused persons as well as Manjinder Kaur wife of Paramjit Singh and Jyoti wife of Sukhjinder Singh and has categorically stated the role played by the said accused in the commission of the offence. Learned Magistrate held that there are specific allegations against accused Manjinder Kaur and Jyoti that they wrongfully restrained the way of complainant and gave hurt to her with *sota* and kicks and further held that there is sufficient material to summon Manjinder Kaur and Jyoti as additional accused for the offences under Sections 341 and 323 IPC.

Aggrieved from the above-said order, a revision was filed by respondents No.2 and 3 and learned Sessions Judge, Kapurthala, vide impugned judgment dated 06.08.2015, after discussing the evidence, accepted the revision and application under Section 319 Cr.P.C. was dismissed.

Aggrieved from the above-said impugned judgment dated 06.08.2015, present petition has been filed by the petitioner-complainant.

From the record, I find that learned Sessions Judge, Kapurthala, after perusing the record, held that enquiry was conducted by the police in case in hand. The DSP, Sub Division, Bholath, vide his detailed inquiry report had found that there was no evidence against Manjinder Kaur and Jyoti. Only a criminal case was made out against Sukhjinder Singh @ Sukha

and Lakhvir Kaur @ Lakho and they were accordingly challaned. Learned

Sessions Judge, Kapurthala, further held in the judgment that Manjinder Kaur is daughter-in law of accused Lakhvir Kaur @ Lakho, whereas petitioner Jyoti is wife of accused Sukhjinder Singh @ Sukha and it itself indicates that complainant is bent upon to involve other family members of the accused in the case in hand. Mere statement of complainant, ipso facto, cannot form the basis of summoning the persons under section 319 of Cr.P.C. Learned Sessions Judge, Kapurthala, also held that simple statement of the complainant vide which the complainant reiterates the allegations already made in the complaint, is not sufficient to summon the said accused under Section 319 of Cr.P.C.

I have also gone through the FIR. As per the allegations, Lakhbir Kaur @ Lakho, Sukhwinder Singh @ Sukha, Manjinder Kaur and Jyoti were sitting on the cot by blocking the passage of the complainant and on seeing them, they stood up and started abusing and Sukhwinder Singh @ Sukha pushed complainant's husband Kuljit Singh down and Lakhbir Kaur @ Lakho, who was holding the iron pipe in her hand, attacked the complainant, which hit on the right side of her head and Sukhwinder Singh @ Sukha attacked with small dagger on her. Then the complainant raised her hand to save and the dagger was hit on little finger. Manjinder Kaur attacked the complainant with a heavy stick which hit on her back. When the complainant was lying down, then Jyoti caught her from hair and gave leg blows on her stomach.

It is admitted at the time of arguments that both the injuries attributed to respondents No.2 and 3 are shown as simple complaint of pain, which means that there is no external injury mark on the person of the complainant. From this evidence, it does not appear to the Court that both

these persons i.e. respondents No.2 and 3, are also involved in the commission of the offence, specially when after investigation, they were found innocent and there is no injury on the person of the complainant attributed to them.

In view of the above discussion, I find that impugned judgment dated 06.08.2015 passed by learned Sessions Judge, Kapurthala, is correct and as per law and the revision has rightly been accepted and dismissed the application under Section 319 Cr.P.C. No illegality has been committed by learned Sessions Judge, Kapurthala, while passing the impugned judgment dated 06.08.2015 and the same is upheld.

Therefore, finding no merit in the present petition, the same is dismissed.

December 06, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No