

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-107-2015 (O&M)

Date of Decision:- 15.12.2016

Darshna

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. N.S. Shekhawat, Advocate
for the petitioner.**

Mr. Anmol Malik, AAG, Haryana.

**Mr. R.N. Lohan, Advocate
for the complainant.**

RITU BAHRI, J. (Oral)

Present revision petition is against order dated 19.12.2014, passed by the Additional Sessions Judge, Hisar, whereby an application under Section 319 Cr.P.C for summoning qua present petitioner Darshna was allowed.

The FIR has been registered on the statement of Bhoop Singh, who is a retired Deputy Superintendent of Police. The allegations therein are that the marriage of his daughter, namely, Neetu @ Nishita was solemnized in the year 2002 to Vinod i.e. 11 years back and two children from the said wedlock. His daughter had committed suicide and immediately FIR was got registered by him. As per the suicide note

recovered, his daughter had specifically named petitioner-Darshna wife of

Karni Singh, Vijay Singh son of Surja Ram, Ram Kumar and Pala Ram sons of Ganpat Ram, Sushila wife of Rishi and sister of accused Vinod, Rishi and Ram Dulari widow of Rakesh Kumar, who was brother of accused Vinod alongwith accused Vinod being responsible for the death of his daughter Neetu.

After investigation, the challan was presented against Vinod. Complainant-Bhoop Singh was appeared as PW1 and thereafter an application under Section 319 Cr.P.C. was made to summon the other accused and vide impugned order dated 19.12.2014, petitioner-Darshna, mother-in-law of the deceased, has been summoned whereas the application qua remaining accused has been dismissed.

Learned counsel for the petitioner has vehemently argued that Smt. Darshna was not residing with her son Vinod and daughter of complainant Neetu. The couple had shifted in the year 2013 to Adampur in a rented house i.e. near the house of the complainant and petitioner being the widow was residing alone. He has referred to the confessional statement made by Vinod (Annexure P-6) where he stated that his father-in-law had taken a sum of ₹9,40,000/- for purchase of land from him and a sum of ₹12 lacs was taken by saying that they would give plot him for construction of house in Adampur and when the money was not given back, it created tension between him and his wife Neetu. On 09.04.2013, accused Vinod had left with his son Dev Kumar when they got up and saw that Neetu had committed suicide by tying a rope with grill of the stores. They united the rope and brought her down and made her lie in the lobby of the house and out of fear, he fled away from the spot with his two sons thereafter. After

challan (Annexure P-7) was presented and the version given in the confessional statement was found to be true. Present petitioner Darshna and other accused sought to be summoned were found to be innocent.

Learned counsel for the petitioner has further referred to cross-examination of complainant Bhoop Singh where he has admitted that he had gone alone to the house of Neetu on 08.04.2013 as one child was informed him about the quarrel. His daughter has taken all her household articles when she shifted from Bhirdana to Adampur. He has further admitted that in earlier statement (Ex.P1) made by him did not contain the fact that Rai Sahib had informed him with regard to quarrel which took place between Neetu and her husband. He admitted in statement (Ex.P1) that he did not mention that he visited the house of Neetu on 07.04.2013. He further stated that Darshna and Vinod did not come along with Neetu to settle at Adampur in a rented house. After coming back to Adampur, she was never gone back to her matrimonial house.

He has finally argued that once the initial version of confessional statement (Annexure P-6) has been investigated and accepted at the time of presentation of the challan, the cause of committing suicide was quarrel between Vinod and Neetu and this quarrel was on account of some money given by Vinod to complainant, which was not being returned by him in due course of time.

At the same time, learned counsel for the complainant has argued that on 07.04.2013, petitioner Darshna came to Adampur in the house of daughter of complainant Neetu, quarreled with her and thereafter went back to Dhani in village Birdana. On 08.04.2013, Vinod also went

Vinod along with Arman came to Adampur to the house of daughter of the complainant and had again quarreled with her. On the same day, Rai Sahab Singh, had seen Vinod and Darshna quarreling with his daughter and this evidence is sufficient to summon petitioner Darshna as additional accused.

Learned State counsel, on instructions ASI Krishan Chander, has informed that Rai Sahab Singh was in the list of prosecution witnesses but he has been given up now and this witness was important and could depose as he was the one who had seen Darshna and Vinod come to the house of Neetu and quarreled with her.

After hearing the learned counsel for the parties, going through the facts, this Court is of the considered view that in the present case the marriage of complainant's daughter Neetu was solemnized way back in the year 2002 and they had two children from this wedlock. As per confessional statement (Annexure P-6) given by Vinod it transpires that the main dispute was with regard to the money, which was given by Vinod in the form of ₹9,40,000/- and subsequently ₹12 lacs. Further, there was a constant dispute between the couple in the house, which led them to shift the house in the neighborhood of the complainant at Adampur in 2013 itself. Moreover, with regard to the presence of petitioner Darshna on 07.04.2013 and 08.04.2013, this fact has been stated by the complainant in his deposition and examination-in-chief. However, in the cross-examination of complainant, he admitted that in earlier statement (Ex.P1) he did not mention that he had visited the house of Neetu on 07.04.2013. Even in the statement (Ex.P1) he did not mention that Rai Sahab Singh had told him about the quarrel of Neetu with petitioner and Vinod as this information was given to him after

examination that in the initial statement he did not mention that Darshna was present in the house of his daughter on 07.04.2013, therefore, in the initial investigation the petitioner has rightly kept in Column-II. Moreover, with regard to the allegations of abetment as set out in Section 107 IPC, the essential ingredients of abetment are not made out against petitioner Darshna as mere oral deposition made by the complainant as PW1 would not be sufficient to summon her to face trial on an application under Section 319 Cr.P.C.

Consequently, the present revision petition is allowed and order dated 19.12.2014, passed by the Additional Sessions Judge, Hisar, is hereby set aside.

December 15, 2016
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No