

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

**CRR No.1885 of 2015 (O&M)
Date of decision: 29.11.2016**

Ram Kumar and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ravi, Advocate,
for Mr. Sanjeev Kumar Panwar, Advocate,
for the petitioners.

Mr. D.R. Singla, DAG, Haryana.

Ritu Bahri, J.

This petition has been filed against the order dated 14.05.2015 passed by the Additional Sessions Judge, Rewari, whereby application filed by complainant-Parvati (through prosecution) under Section 319 Cr.P.C. has been allowed and the petitioners have been summoned to face trial under Section 306 read with Section 34 IPC in a case arising out of FIR No.205 dated 07.10.2014, registered at Police Station, Kosli.

The aforesaid FIR was registered on the basis of statement made by complainant-Parvati to the effect that marriage of her two daughters namely Rekha and Suman had been solemnized with Ram Avtar and Fateh Singh sons of Ram Kumar about 11 years back. However, their in-laws used to harass and humiliate them on the pretext of bringing less dowry. About

three years back, her daughter-Rekha was turned out of her matrimonial home after giving beatings, as her in-law were demanding money from her. She gave Rs.2,50,000/- to her daughter and sent her back to the matrimonial house. However, one year later, they again gave beatings to Rekha and turned her out of the matrimonial house. When she took her daughter-Rekha to her in-laws' house, Fateh Singh, brother-in-law and Premwati, mother-in-law of Rekha, gave her beatings in the presence of the complainant and threatened to kill her. At about 3:00 A.M., she heard Fateh Singh and Lal Singh telling Premwati that they had killed Rekha. In this background, the FIR was registered.

Initially, the FIR had been registered under Sections 323/198-A/302/34 IPC. However, during investigation, it was found that Rekha had committed suicide and Ram Avtar, her husband, had abetted her to commit suicide. Accordingly, Section 302 IPC was deleted and Section 306 IPC was added in the FIR. During investigation, the present petitioners were found innocent and challan was presented only against Ram Avtar, husband of the deceased.

After framing of charge, complainant-Parvati while appearing as PW-8 levelled specific allegations against the present petitioners. Thereafter, she moved an application under Section 319 Cr.P.C. for summoning Ram Kumar, Fateh Singh, Premwati and Lal Singh (petitioners) as additional accused to face trial along with Ram Avtar, which was allowed vide impugned order dated 14.05.2015.

While appearing as PW-8, complainant-Parvati had reiterated the version of prosecution and stated that in-laws of her daughters (Rekha and Suman) were not satisfied with the dowry and used to ill treat them. About

three years back, she had given Rs.2,50,000/- to each of her daughter.

Trial Court, while deciding the application under Section 319 Cr.P.C., perused the report submitted by the police, statements made by the complainant before the police as well as on oath, statements of other witnesses recorded under Section 161 Cr.P.C. and held that there was sufficient material on record to *prima facie* prove the involvement of aforesaid accused-petitioners in the commission of offence.

Learned counsel for the petitioner has referred to the judgment dated 05.08.2015 (Annexure P-4) passed by the Additional Sessions Judge, Rewari, whereby Ramavtar, husband of Rekha-deceased, who was facing trial in this case, has been acquitted of the charge framed against him. While acquitting Ramavtar, the trial Court had observed that Parvati (PW-8), during her cross-examination, had stated that her daughter-Rekha was suffering from depression due to mental ailment and none of the accused had any role to play in the death of her daughter. Anil Kumar (PW-9), who is brother of the deceased, has not supported the case of the prosecution and was declared hostile. The hostile testimony of these two witnesses finally led to the acquittal of Ramavtar. On the basis of depositions of Parvati (PW-8) and Anil Kumar (PW-9), the present petitioners cannot be convicted.

Copy of statement made by Anil Kumar (brother of deceased) before the trial Court has been placed on record as Annexure P-7. A perusal of this statement shows that he has totally denied that husband of Rekha had made any demand of dowry. He had further deposed that his sister was suffering from mental ailment and depression, due to which, she had committed suicide by hanging herself. The complaint was made by his

mother on account of misunderstandings and accused had no role to play in the death of his sister-Rekha. In his cross-examination, this witness has denied that all the accused had ever given beatings to his sister in the presence of his mother. As per deposition of Parvati (PW-8), Ram Avtar and Rekha were residing separately from the family members of Ram Avtar and he did not torture Rekha in any manner. She used to remain in depression and was suffering from mental ailment. Ram Avtar and his family members had no role to play in the suicide committed by her daughter.

After going through the depositions of Parvati-complainant (PW-8) and Anil (PW-9), brother of deceased and the judgment of acquittal dated 05.08.2015 (Annexure P-4), now, no evidence remains to be adduced by the complainant, which can lead to the conviction of the petitioners.

Resultantly, the present petition is allowed and the impugned order dated 14.05.2015 passed by the Additional Sessions Judge, Rewari is set aside.

29.11.2016
ajp

(RITU BAHRI)
JUDGE