

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

**Crl. Revn. No.2010 of 2014 (O&M)
Date of decision : 12.01.2016**

Harbhajan Singh

.....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vivek Goel, Advocate
for the petitioner.

Mr. V.P.S. Sidhu, AAG, Punjab.

Ms. Satinder Kaur, Advocate
for respondent nos.2 & 3.

ANITA CHAUDHRY, J.

This revision is directed against the order dated 21.04.2014, passed by the Sessions Judge, Moga who dismissed the application filed by the complainant under Section 319 Cr.P.C. The prayer made therein was to summon the additional accused.

On 09.07.2014 the counsel appearing for the petitioner had made a statement that he was confining the petition only in so far as summoning of respondent no.3 namely Darshan Singh and the petition qua summoning of respondent no.2 was dismissed.

It would be necessary to give few facts relevant for disposal of the petition. A complaint was made to the police on 29.06.2012 as Sharanjit Kaur had died in the matrimonial home

within 7 years of marriage. Allegations were levelled that the girl was subjected to cruelty and harassment and there was a demand of Rs.2 lacs immediately before her death. The complainant named the husband and mother-in-law. Challan was filed against the husband and the mother-in-law while the names of the father-in-law and sister-in-law were kept in column no.2. The trial had commenced and the statement of some prosecution witnesses had been recorded when an application under Section 319 Cr.P.C. was moved. The prayer made therein was to summon the additional accused. The trial Court rejected the application and made the following observations:-

“When the complainant Harbhajan Singh entered the witness box before this Court, he was justified that his eldest daughter Sharanjit Kaur was married with Gurjit Inder Pal Singh 8 years ago. She was blessed with one son namely Ravinderpal Singh who is aged 7 years. Sharanjit Kaur was a teacher in the Anganwari School. On 02.06.2012 Harbhajan Singh received telephonic call from his daughter that her mother-in-law Amarjit Kaur father-in-law Darshan Singh and sister-in-law Nirmal Kaur were beating her and asking her to bring Rs. 2 lacs from her parents. Even on the next day the in-laws of Sharanjit Kaur did not send Sharanjit Kaur to her parents. On 15.06.2012 Harbhajan Singh went to the house of in-laws of his daughter to bring her back. He stayed for the night in the house of in-laws and on

the next day, he brought Sharanjit Kaur to the parental house. She stayed there for 15 days. However, on 27.06.2012 his daughter returned to her maternal home. On 29.06.2012, he received a telephonic call at 5 PM from Roshanwala Village to the effect that his daughter Sharanjit Kaur had been killed by her in-laws by giving some poisonous substance. He immediately rushed to village Roshanwala where he came to know that her daughter Sharanjit Kaur had been taken to D.M.C. Ludhiana. He immediately went to D.M.C. Ludhiana where he found that his daughter Sharanjit Kaur was lying dead. PW1 Harbhajan Singh claims that all the accused had jointly administered poison to his daughter Sharanjit Kaur. On behalf of the accused Darshan Singh copies of passport have been placed on the record which show that during the period of occurrence i.e. 28/29.06.2012 he had gone to Pakistan for pilgrimage. Similarly, copy of ration card of Nirmal Kaur has been placed on record which shows that she was not residing in the matrimonial house of Sharanjit Kaur, Gurjit Inderjit Singh and the parents of Gurjit Inderjit Singh. On the contrary she was residing with her husband in her own matrimonial house. The factum of innocence of Nirmal Kaur and Darshan Singh has also come in the enquiry report dated 22.07.2012 given by DSP Dharamkot.”

I have heard both the sides at length. It is not disputed that Darshan Singh who is sought to be summoned by the complainant had gone to Pakistan for pilgrimage. The unfortunate incident took place on 29.06.2012, almost six years after the marriage. The death was on account of poisoning. Darshan Singh was in Pakistan during that period.

After going through the provisions of Section 319 Cr.P.C. and the judgment of the Hon'ble Apex Court rendered in ***Hardeep Singh Vs. State of Punjab 2014(1) RCR (Crl.) 623***, if the test is applied to the present case, I am of the view that no *prima-facie* grounds exists for summoning the additional accused. The additional accused could only be summoned if there was strong and cogent evidence against him. The trial Court had thoroughly examined the evidence and gave valid reasons for dismissing the application. I find no illegality in the order passed by the Court below.

The petition is dismissed.

12.01.2016
sunil

(ANITA CHAUDHRY)
JUDGE