

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 1417 of 2016(O&M)

Date of decision : 12.04.2016

Satish Kumar

... Petitioner

versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sanjiv Kumar Aggarwal, Advocate
for the petitioner

ANITA CHAUDHRY, J. (ORAL)

This revision is directed against order dated 14.03.2013 passed by Additional Sessions Judge, Sonapat vide which the application under Section 319 Cr.P.C. for summoning the additional accused had been dismissed.

It is necessary to notice some facts.

Swati was married to Jarnail. The accused had 1 ½ years old daughter. The unfortunate incident took place on 25.09.2015. Swati had called up her parents. She had complained that her husband and in-laws were pressurizing her to bring money. Swati died the same evening. She had consumed poisonous tablets. The police had investigated the case and had filed the challan against the husband and the father-in-law. The trial had started when the complainant named two other persons namely Karan Singh and his wife Kavita. An application under Section 319 Cr.P.C. was moved. The trial Court dismissed the application vide order Annexure

Learned counsel for the petitioner has vehemently urged that the complainant had named Karan Singh and Kavita in the FIR but the police did not challan them and the same allegations were levelled in the statement before the Court. It was urged that the mother-in-law had died and it was Kavita who was the 'chachi' and 'Masi' of the husband who had taken care of the family and they were supporting Jarnail Singh and role was attributed to both of them in the first statement made to the police. The counsel had referred to the statement made by the complainant as well as to the photographs Annexure P-5.

Perusal of the FIR shows that the allegations against Karan Singh and his wife only were that they had supported Jarnail Singh. Towards the end of the complaint a general statement was made that Swati was killed by her husband Jarnail, her father-in-law Rajender, uncle Karan Singh and Mausi on account of dowry demand and she was administered poison.

Satish Kumar while appearing as PW-3 in his statement in the Court gave an exaggerated account and stated that Kavita had gaged her mouth and poison was administered by her. No specific role was attributed to Karan Singh.

The trial Court noticed the provisions contained in Section 319 Cr.P.C. and noted that during investigation the police had found that Karan Singh and his wife were living separately. It was noted that no new facts/evidence had been produced against Karan Singh and Kavita and while referring to the principles laid down in ***Hardeep Singh vs. State of Punjab and others, 2014(1) RCR(Criminal) 623*** it had dismissed the application. It was also noted that there was tendency of the family members to name all the relatives. It was observed that merely because Karan Singh and his wife were named was not enough to summon them.

The trial Court had examined the matter thoroughly and had correctly applied principles laid down in ***Hardeep Singh's case (supra)***. No role was attributed to Karan Singh or his wife in the complaint. The complainant had given an exaggerated account in the Court. There is no reason to interfere in the order.

The petition is dismissed in limine.

(ANITA CHAUDHARY)
JUDGE

April 12, 2016

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