

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.2904 of 2014 (O&M)
Date of Decision: May 11, 2016

Charanjit Kaur and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vipin Mahajan, Advocate
for the petitioners.

Mr.P.S.Grewal, Deputy Advocate General, Punjab
for the respondent-State.

Mr.Manbir Singh, Advocate
for respondents.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners Charanjit Kaur and Harjit Kaur @ Surjit Kaur against respondents State of Punjab and Varinder Singh under Section 401 Cr.P.C. challenging the impugned order dated 19.08.2014 passed by learned Addl. Sessions Judge, Gurdaspur, vide which application filed by the prosecution under Section 193 Cr.P.C. was allowed.

The present petition has already been dismissed as not pressed qua petitioner No.2 Harjit Kaur @ Surjit Kaur vide order dated 15.09.2014.

Notice of motion was issued and learned State counsel as

well as learned counsel for respondent No.2 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 was filed under Section 193 Cr.P.C. by the prosecution for summoning Harpal Singh, Surjit Kaur, Charanjit Kaur and Harmeet Singh to face trial along with accused Ajit Singh with the submissions that the above said persons have also committed crime and named in the FIR as well as in the statements of PWs and documents attached with the report under Section 173 Cr.P.C.

The Court below after hearing the arguments and after perusing the report under Section 173 Cr.P.C. found that four accused, who are named in the FIR have not been arrested on the ground that enquiry against them is pending. The Court further held that perusal of the FIR, statements recorded during police investigation and documents show that accused who have not been arrested, had also taken active part in the alleged occurrence. It is also discussed by learned Court below that as per the statement of complainant Varinder Singh, after the marriage of his sister Lakhwinder Kaur, she was continuously harassed by her in-laws' family and on 29.09.2012 at 5.30 p.m., he had received a telephonic call that his sister had been administered some poison by her in-laws and her condition was critical. On hearing this, complainant along with his father Makhan Singh reached Kot Todar Mal and has seen his

sister, who disclosed that her mother-in-law Surjit Kaur and sister-in-law Charanjit Kaur had caught her and husband Harpal Singh forcibly pushed two tablets of Sulphas in her mouth and brother-in-law Harmit Singh forcibly made her to drink water. The complainant took his sister to different hospitals but she died during the course of treatment. The Court below held that prima facie, sufficient grounds are found to summon accused namely Harpal Singh, Surjit Kaur, Charanjit Kaur and Harmeet Singh to face trial along with co-accused Ajit Singh.

At the time of arguments, learned counsel for the petitioner Charanjit Kaur argued that petitioner is married sister-in-law. She was working in the Railways and was not present on that day at the time of occurrence. He also relied upon some documents of the Railway Department. In other words, learned counsel for the petitioner has taken the plea of alibi and this plea is to be proved before the trial Court. At this stage, the Court is only to act upon the report under Section 173 Cr.P.C., the statements of witnesses and documents placed on the record. No ground has been mentioned in the report regarding her innocence. She was simply not arrested due to the reason that some enquiry is pending.

The perusal of the record shows that no illegality has been committed by the learned Addl. Sessions Judge, Gurdaspur, while accepting the application under Section 193 Cr.P.C. The petitioner is named in the FIR and active role has been attributed to her.

In view of the above discussion, I find that impugned order

dated 19.08.2014 passed by learned Addl. Sessions Judge, Gurdaspur is correct, as per law and does not require any interference from this Court.

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

May 11, 2016
Vgulati

(INDERJIT SINGH)
JUDGE