

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

CRR-2583-2016

Decided on: 25.07.2016

Bal Krishan

.... Petitioner

Versus

State of Haryana and others

..... Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rajat Gautam, Advocate,
for the petitioner.

RITU BAHRI, J (ORAL)

The petitioner has come up for revision against the order dated 04.05.2016, whereby, an application under Section 319 Cr.P.C. for summoning additional accused, namely, Meena, Sheona Devi, Ram Diya, Ishwar, Naveen, Sunil and Sonu has been dismissed.

In the present case, the FIR has been registered on the statement made by Bal Krishan, complainant (Ex. P.E), father of deceased Ritu. She committed suicide on 01.04.2015 leaving suicide note and thereafter the FIR was registered. During investigation Ishwar and Ram Diya were found innocent and challan was submitted against Kapil. During investigation, the police did not find any incriminating evidence against the persons who are sought to be summoned under Section 319 Cr.P.C.

In the suicide note, the deceased Ritu has alleged that Kapil, his mother, father and other family members came to her house and threatened to kill them. As she could not bear the insult of her parents and thus committed suicide. Although Bal Krishan appearing as PW-6 deposed that

on the intervening night of 31.03.2015, there was only Ramesh alone in the house, then aforesaid persons came and told him to put an end to the matter, otherwise they threatened us with dire consequences.

While examining application under Section 319 Cr.P.C., it has been observed that threat was given in the presence of his brother Ramesh and merely on the deposition of PW-6 Bal Krishan, the accused cannot be summoned to face the trial, the finding has been rightly recorded.

As per the deposition of Bal Krishan, he was not at home and the threats given to the complainant was witnessed by his brother Ramesh who was there. Ramesh has not been examined as prosecution witness till today who would say with regard to the alleged threats given by the alleged accused to the deceased.

For invoking powers under Section 319 Cr.P.C. to summon an additional accused, it has to be exercised sparingly and only those cases where the circumstances of the case so warrant in the absence of the deposition. In the present case to examining the prosecution witness Ramesh, the application under Section 319 Cr.P.C. has been rightly dismissed by both the Courts below. The orders do not suffer from any procedural irregularities or infirmity and has been passed as per the guidelines issued by the Supreme Court of India in **Hardeep Singh vs. State of Punjab & Ors. 2014(3) SCC 92.**

Accordingly, the present revision petition stands dismissed.

July 25, 2016
Dinesh

(RITU BAHRI)
JUDGE