

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

**Crl. Rev. No.4074 of 2015 (O&M)
Date of decision : 10.11.2016**

Ram Mehar

.....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Deepak Vashisht, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

Mr. Partap Singh, Advocate
for respondent nos.2 & 3.

ANITA CHAUDHRY, J.

This revision is directed against the order dated 23.07.2015, vide which the application filed under Section 319 Cr.P.C. to summon respondent nos.2 to 4 had been dismissed.

Ram Mehar's daughter Bimal had committed suicide on 25.05.2014. Her parents found her dead in the morning. The door was locked from inside. They broke open the door and they found her hanging from the fan. The complainant had mentioned that Minni @ Ritu, the cousin of Bimal suspected Bimal of having illicit relations with her husband Sonu. She had called a family meeting and in that meeting allegations were made against Bimal and on this account Bimal was under stress and mental pressure and she hanged herself.

The deceased left a suicide note saying that Sonu had nothing to do with the matter and it was Minni who was responsible and ten days prior to the incident Minni had called her father-in-law, brother of father-in-law and other relatives at Jind to insult Bimal.

The police investigated the case and filed challan only against Minni.

An application under Section 319 Cr.P.C. was moved after statement of Ram Mehar was recorded. He named the other persons who were not challaned. The trial Court dismissed the application. Dissatisfied with the order, this revision has been filed.

I have considered the submissions made by the counsel of both the sides.

The counsel for the petitioner had urged that they had placed on record the call details which would give the details of calls made by respondents no.2 to 5 on the mobile of the deceased and the trial Court has not gone into the material placed on record by them and ten days before the occurrence a meeting was called by the Minni, her father-in-law, brother & brother-in-law and all of them had insulted Bimal and they had threatened to make her life miserable and leaving no option the deceased had taken her life and the additional accused should also be summoned.

The counsel appearing for respondents no.2 to 4 had urged that the complainant had indulged in exaggeration at the trial and had stated that Bimal was beaten by all the accused but there is no such reference in the FIR nor any injuries were found in the postmortem report. The State counsel has urged that Annexure P-3 i.e. the call details is not part of the challan.

The powers under Section 319 Cr.P.C. can be exercised by the Court only in extra ordinary circumstances where the Court finds that there is some evidence which is more than *prima facie* and points to the involvement of some other accused besides the accused who were already facing trial.

In ***Hardeep Singh Vs. Crl. Rev. No.2142 of 2016 (O&M) State of Punjab 2014(2) SCR 1***, it has been held that the degree of satisfaction for summoning the additional accused has to be different. In the present case, the prosecution was not able to bring any additional material so as to enable the Court to summon the additional accused.

The trial Court had rightly observed that the provisions of Section 319 could not be invoked only on mere allegations and because the witness was over zealous.

The Court cannot summon the additional accused only on the mere asking and that practice has always been discouraged. The complainant had made general allegations without giving any specific instances. I find no infirmity in the order.

The petition is dismissed.

10.11.2016

Sunil

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No