

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

**CRR No.4801 of 2015 (O&M)
Date of Decision: July 21, 2016**

Iqbal Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Dhriti Jasleen Sharma, Advocate
for the petitioner.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Navkiran Singh, Advocate
for respondents No.2 to 5.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Iqbal Singh against State of Punjab and other respondents, challenging the order dated 03.07.2015 passed by learned Addl. Sessions Judge, Ludhiana vide which the application under Section 319 Cr.P.C. filed by the complainant-petitioner was dismissed.

Notice of motion was issued and learned State counsel as well as learned counsel for respondents No.2 to 5 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 by the

prosecution under Section 319 Cr.P.C. for summoning of Amrik Singh, Paramjit Kaur, Jasdeep Singh and Givendeep Kaur. Further, I find that no allegation has been levelled in the FIR against Givendeep Kaur wife of deceased Kulwant Singh. She has not abused or stated anything at the time of occurrence as per the FIR. Simply, she was taken away by her parents Amrik Singh and Paramjit Kaur and other close relatives against whom the challan was presented. One day earlier to the occurrence, Amrik Singh, Paramjit Kaur, parents along with maternal aunt Charanjit Kaur and maternal uncle Amarjit Singh came to the house of Kulwant Singh and abused him and took away Givendeep Kaur with them. At that time, Jasdeep Singh was not present. In the FIR, the only allegation against Jasdeep Singh is that he had also come 15 days earlier to the occurrence and abused Kulwant Singh (now deceased) but from the allegations in the FIR, even there is nothing to show any abetment on the part of Jasdeep Singh. Therefore, from the record, I find that it does not appear to the Court that Givendeep Kaur and Jasdeep Singh are also involved in the commission of offence and application under Section 319 Cr.P.C. qua them has been rightly dismissed by the trial Court.

As regarding Amrik Singh and Paramjit Kaur, as per the FIR, they, along with other co-accused Charanjit Kaur etc., came to the house of Kulwant Singh and abused him. Specific role/abetment has been attributed to them. As per the FIR, at 2.00 P.M. on 19.07.2013, Amrik Singh, father-in-law of Kulwant Singh, mother-in-law Paramjit Kaur, maternal aunt Charanjit Kaur and her husband Amarjit Singh came to their house. Then at about 2.30 P.M., son of the complainant came back to the house and they all started conversation. During conversation, Amrik Singh said to Kulwant

Singh as to why he has not taken his daughter any where till date for touring nor till date he has learnt to drive the car. Then an altercation took place. As per the allegations, Charanjit Kaur maternal aunt started shouting in filthy language and others also started abusing in filthy language and said to the son of the complainant that he is an impotent. All of them came on the street and also abused in filthy language in the street. On 20.07,2013, i.e. next day, Kulwant Singh went to Gurudwara Alamgir Sahib but did not return back. The dead body of Kulwant Singh was found on the bank of Assi Kalan bridge canal on 23.07.2013.

The PWs have deposed in the Court regarding the same facts.

Keeping in view the facts and circumstances and in view of the evidence on record, I find that Amrik Singh and Paramjit Kaur appear to have been involved in the commission of offence for which they could be tried together with the accused already facing the trial. The finding of learned Addl. Sessions Judge, Ludhiana that this evidence is not sufficient for their conviction, is against the law. At this stage, the Court is only to see whether it appears to the Court that these persons have committed the offence or are involved in the commission of the offence and not to see whether this evidence is sufficient for their conviction etc.

Therefore, the impugned order dated 03.07.2015 passed by learned Addl. Sessions Judge, Ludhiana, is set aside qua Amrik Singh and Paramjit Kaur. The application under Section 319 Cr.P.c. is accepted qua Amrik Singh and Paramjit Kaur only.

Resultantly, the present revision petition stands partly allowed.

July 21, 2016

Vgulati

(INDERJIT SINGH)
JUDGE