

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

**AT CHANDIGARH**

**Criminal Revision No.55 of 2015**

Date of Decision: 20.09.2016

Pawan Singh

...Petitioner(s)

Versus

State of Haryana & others

...Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Mr. V.D. Sharma, Advocate  
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

Mr. Sudhir Hooda, Advocate  
for respondents no.2 to 4.

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**HARI PAL VERMA J.**

Petitioner-complainant Pawan Singh has filed the present revision petition against order dated 13.11.2014 passed by learned Sessions Judge, Rohtak, whereby, application moved by the complainant under Section 319 CrPC to summon Mahender, Mukesh and Bimla @ Kokan, Jeth, Jethani and Nanad of victim Sharmila respectively, as additional accused, to face trial along with other accused for offence under Section 307, 328 read with Section 34 IPC, was dismissed.

Briefly stated, the facts of the case are that sister of the petitioner-complainant namely Sharmila was married with Bijender,

accused about 15 years prior to the occurrence. Sharmila was admitted to Malik Hospital, Hansi on 21.11.2013 by her in-laws, as suspected case of poisoning. She was discharged from the hospital on 21.12.2013 and was again admitted in PGIMS, Rohtak on 31.12.2013 by her parents. Since Sharmila was unfit to make a statement, her brother Pawan Kumar (petitioner), who was present in the hospital, made a statement Ex.PA, which led to registration of FIR No.415 dated 31.12.2013 under Sections 307/328 IPC.

As per the contents of the FIR, Sharmila was being harassed by her husband Bijender, mother in law Azad @ Rajwanti, *Nanad* Bimla @ Kokan, *Jethani* Mukesh, *Jeth* Mahender and maternal uncle of Bijender namely Kanwar Singh. On 20.11.2013, all of them caught hold of Sharmila and administered her poison with an intention to kill her, whereupon she was admitted in the hospital and FIR was registered.

Learned counsel for the petitioner submitted that despite there being specific allegations against all the accused, the police has filed challan only against Bijender, Azad @ Rajwanti and Kanwar Singh for offence under Sections 307, 328 read with Section 34 IPC, whereas, the remaining accused namely Bimla @ Kokan, Mahender and Mukesh have been kept in column no.2. Sharmila was examined as a prosecution witness no.1 and in her statement, she has specifically alleged that she along with above named six persons was present in the fields and these six persons caught hold of her and forcibly administered her some poisonous substance after mixing the same in *lassi*,

I have heard learned counsel for the parties.

During the course of investigation, statement of Sharmila was recorded under Section 161 CrPC, wherein, she has named all the accused, but attributed specific role only to her husband Bijender, mother-in-law Azad @ Rajwanti and maternal uncle of Bijender namely Kanwar Singh. She has stated that she was caught hold by Bijender and Kanwar Singh whereas Azad @ Rajwanti administered her the poison forcibly after mixing the same in *lassi*. She has not attributed any specific role to the remaining accused, who have been sought to be summoned and the only explanation is that these persons were standing at the gate of the room in which she was administered the poison, so that she could not escape. In her examination-in-chief, Sharmila while appearing as PW-1 has stated that “....All the above named six persons caught hold of me and forcibly administered me some substance after mixing the same in *lassi*....”, whereas in her cross-examination, she has stated that “.....I do not remember as to when and by whom said powder was administered to me. Again said, the powder was administered to me by my husband Bijender, present in Court.....” Thus, though in her statement before the Court, she has stated that the poison was administered to her by all the six persons but her statement made before the police is contrary to it, wherein she has stated that poison was administered to her by mother-in-law Azad by mixing the same in *lassi* and she was caught hold by her husband Bijender and Maternal uncle of Bijender namely Kanwar Singh. Thus, she has not attributed any specific role to the accused sought to be summoned.

Therefore, this Court does not find any illegality in the impugned order passed by learned Sessions Judge.

Accordingly, the revision petition is dismissed.

**September 20, 2016**  
**AK**

**( HARI PAL VERMA )**  
**JUDGE**

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No