

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

**CRR No.1116 of 2013 (O&M)
Date of Decision: March 29, 2017**

Sushila @ Sheela and another

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Saurabh Bajaj, Advocate
for the petitioners.

Mr.Kuldeep Sharma, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Lalit K. Gupta, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioners have filed this revision petition under Section 401 Cr.P.C. against respondents State of Haryana and Rishi Pal, challenging the order dated 05.04.2013 passed by learned Addl. Sessions Judge, Panipat, vide which the application filed by complainant-respondent No.2 under Section 319 Cr.P.C. was allowed and petitioners were summoned as additional accused.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the revision.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

The perusal of the record shows that challan was presented against accused Satbir and Daya Nand under Sections 306/34 IPC. During the trial, an application under Section 319 Cr.P.C. was filed by complainant Rishi Pal for summoning Sheela and Sunita as additional accused. It is mainly stated in the application that these two persons have directly and actively participated in torturing and harassing deceased Geeta Verma and thus caused cruelty to her on account of demand of dowry. The brief facts of the case as noted in the impugned order passed by learned Addl. Sessions Judge, Panipat are as under:-

“2. In brief, the prosecution's case is that; Rishi Pal son of Satbir has complained that; the marriage of his sister Geeta Verma (since deceased) was solemnized with accused-Satbir alias Suresh on 26.12.1993. Few days after the marriage, his sister Geeta Verma had started received beatings from her in-laws. She was also abused. She got beatings and abuses for insufficient dowry. In July, 2004, his sister had complained to the police being a dowry victim and being threatened of dire consequences. At that time the matter was compromised. The accused gave in writing that; they will not repeat the same. On 24.06.2008, the accused with their common intention gave beatings to Geeta and throw her out from matrimonial home. On 26.06.2008, Geeta had complained through post to the higher Police Authorities, against the accused persons and pleaded that; her life be saved. The accused took her at Haridwar where also, she was tried to be killed. The case was got registered. ASI Braham Dutt proceeded towards Haridwar and brought back Geeta-since deceased from the clutches of accused. The accused again compromised the matter with the complainant. On 12.10.2011, the accused, while colluding had killed Geeta by administering her some poisonous substance/injection. It has been complained that; Geeta had been killed from bringing insufficient dowry. In the complaint Ex.P4, the names of Sheela daughter of Daya Nand and Sunita wife of Raj Kumar have also been mentioned as being the conspirator along with other accused.”

Learned Addl. Sessions Judge, Panipat, after discussing the

evidence on record as well as law in detail, accepted the application and

summoned Sheela and Sunita as additional accused to face trial. Aggrieved from the above-said order, present revision has been filed.

From the record, I find that when the report under Section 173 Cr.P.C. was filed, it was mentioned by the police that arrest of Sheela and Sunita remains to be effected. The charges were framed under Section 306/34 IPC against accused Satbir and Daya Nand. Then prosecution examined two witnesses. The complainant was examined as PW-2. The Court held that during investigation neither Sheela nor Sunita have been found innocent by the police and it is stated that as they have not been arrested, so challan was not presented against them. The Court below further held that statement of Rishi Pal is in consonance with his first statement i.e. FIR Ex.P4. In that statement, he has also imputed culpability against Sheela and Sunita that they are equally involved in the occurrence.

Learned Addl. Sessions Judge, Panipat, further held that Sheela and Sunita have participated in the commission of the offence. There are specific attributions against these accused in the first statement Ex.P4 as well as in the evidence. Therefore, the Court held that in the opinion of Court, unambiguous incriminating evidence has come on record through testimony of PW-1 Rishi Pal, which would certainly warrant their summoning as additional accused.

From the perusal of the record, it is clear that it appears to the Court that the present petitioners are also involved in the commission of the offence. No illegality has been committed by learned trial Court while passing the impugned order. In no way, the impugned dated 18.02.2013 can be held as illegal or perverse.

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

dated 18.02.2013 passed by learned Addl. Sessions Judge, Panipat, 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.

March 29, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No