

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7510-2016 (O&M)
Date of Decision:- 07.04.2017

Avtar Ram

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. D.S. Kahlon, Advocate
for the petitioner.**

Mr. HNS Gill, AAG, Punjab.

**Mr. Vivek Goel, Advocate
for respondent Nos.2 to 4.**

RITU BAHRI, J. (Oral)

Present petition is for quashing of order dated 02.12.2015 (Annexure P-5) passed by Additional Sessions Judge, Jalandhar whereby an application under Section 319 Cr.P.C., filed by the prosecution, to summon Makhan Singh (respondent No.4), has been dismissed.

After taking into consideration the facts and all the contentions pertaining to appreciation of evidence, learned Additional Sessions Judge, Jalandhar, has dismissed the application, by virtue of impugned order dated 02.12.2015, which in substance is as under: -

“I have gone through the file. The story of the prosecution is that the accused Paramjit Kaur and Rajvir Kaur were alleging that the deceased has illicit relations with Makhan Singh. The allegations against Makhan Singh are that in the Panchayat, he has simply stated his wife Paramjit Kaur has stated that she

will not attend the panchayat and he has begged pardon from Kulwinder Singh in the Panchayat on behalf of his wife and daughter. The allegations were raised by the wife and the daughter of Makhan Singh that the deceased was having illicit relations with Makhan Singh and as per the allegations they have beaten her also but no overt act has been attributed to Makhan Singh. There are no allegations that the accused had abetted the deceased to commit suicide. As per the law laid down by the Hon'ble Supreme Court the accused can be summoned where there is a prima facie case against him to summon him but in the present case the allegations against Makhan Singh are vague. Prima facie no case is made out to summon him as an additional accused. Thus, there is no merit in the application. Accordingly, the present application under Section 319 Cr.P.C. is dismissed.”

Meaning thereby, the learned Additional Sessions Judge, Jalandhar, has examined the matter in right perspective, recorded the cogent grounds and correctly dismissed the application filed by the prosecution.

Learned counsel for the petitioner did not point out any material/reasons, much less cogent, so as to warrant any interference in the impugned order. .

Such order, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited jurisdiction of this Court under Section 482 Cr.P.C., unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, so, the impugned order deserves to be and is hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant petition is hereby dismissed as such.

April 07, 2017

naresh.k

(RITU BAHRI)

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No