

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

**Criminal Revision 2493 of 2014  
Date of Decision: October 3, 2017**

|                            |        |                   |
|----------------------------|--------|-------------------|
| Pritam Singh               |        | .....Petitioner   |
|                            | Versus |                   |
| State of Punjab and others |        | ..... Respondents |

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN  
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

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Present : Mr. B.P.S. Virk, Advocate  
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior Deputy A.G., Punjab  
for respondent No.1-State.

Mr. Tarunveer Vashist, Advocate  
for respondents No. 2 and 3.

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**T.P.S.MANN, J.**

Order dated 31.5.2014 passed by the learned Additional Sessions Judge, Patiala, whereby the application filed under Section 319 Cr.P.C. by the applicant, who is father of deceased Khushwinder Kaur @ Khush, for summoning respondents No. 2 and 3 as additional accused to face trial, stands challenged in the present revision filed by him under

Section 401 Cr.P.C.

FIR No. 34 dated 10.4.2012 under Section 306 read with Section 34 IPC was registered at Police Station Julkan, District Patiala on the basis of statement made by the petitioner to the effect that his daughter Khushwinder Kaur @ Khush was married to Gurpal Singh accused about 10/11 years ago. Jaswinder Singh @ Sabha, brother of Gurpal Singh was married after the marriage of the complainant's daughter. Jaswant Singh, father-in-law, Kashmir Kaur, mother-in-law and Kirandeep Kaur wife of Jaswinder Singh, sister-in-law of his daughter Khushwinder Kaur @ Khush started harassing her. On 10.4.2012 at about 1.30 p.m., Gurpal Singh informed the complainant that Khushwinder Kaur @ Khush was not well. Accordingly, the complainant alongwith his wife Anoop Kaur and brother-in-law Mohinder Singh reached the matrimonial home of his daughter where they found her lying dead. Upon asking Gurpal Singh stated that he was not aware as to what had happened as he himself was in the fields. In the meantime, Gurnam Singh another son-in-law of the complainant also reached the spot and found mark of strangulation around the neck of the deceased. It seemed that Khushwinder Kaur @ Khush had committed suicide due to harassment by her husband, father-in-law, mother-in-law and sister-in-law. Accordingly, the aforementioned FIR was registered.

During the investigation, the petitioner got recorded his supplementary statement to the effect that Gurpal Singh, husband of the deceased had first beaten her and then murdered her by strangulating her and giving appearance of suicide to the entire incident. Accordingly, offence under Section 306 IPC was dropped and Section 302 read with Section 201 IPC was added. An inquiry was, thereafter, conducted by the Deputy Superintendent of Police (Rural) and accused Kashmir Kaur and Kirandeep Kaur were found innocent whereas Gurpal Singh and Jaswant Singh were found guilty and, accordingly, challaned. The case against Gurpal Singh and Jaswant Singh was committed to the Court of Sessions and they were charged for committing offences under Sections 302/201/34 IPC. Subsequently, the prosecution examined the complainant as PW1, wherein, he testified that Kashmir Kaur and Kirandeep Kaur had also been harassing the deceased. Accordingly, application under Section 319 Cr.P.C. was filed by the petitioner for summoning them, i.e. Kashmir Kaur and Kirandeep Kaur as additional accused to face trial. However, the said application was dismissed by the learned trial Court vide order dated 8.8.2013 on the ground that by that time there was no medical evidence available on the record. Subsequent thereto, Dr. S.S. Oberoi was examined as PW2 whereas Rajinder Singh, co-villager of the petitioner was

examined as PW3. In his testimony, PW2 Dr. S.S. Oberoi stated that at the time of postmortem, which he had conducted alongwith a board of doctors, ten injuries were noticed on the dead body and cause of death was strangulation, which was ante-mortem and sufficient to cause death in the ordinary course of nature. The petitioner then filed fresh application under Section 319 Cr.P.C. for summoning Kashmir Kaur and Kirandeep Kaur also as additional accused, which application has now been dismissed by the learned Additional Sessions Judge, Patiala vide impugned order.

Having heard learned counsel for the parties and on going through the impugned order dated 31.5.2014, this Court finds that while making statement before the police on the basis of which the FIR was registered, the petitioner, who is father of the deceased did not name Kashmir Kaur and Kirandeep Kaur as accused. He only levelled allegations against Gurpal Singh, husband of the deceased and Jaswant Singh, father-in-law of the deceased. It was only lateron that the petitioner levelled allegations of harassmt against Kashmir Kaur and Kirandeep Kaur.

The trial, which was initiated against Gurpal Singh and Jaswant Singh has since ended with the acquittal of Jaswant Singh accused of the charges against him whereas Gurpal Singh

accused stands convicted under Sections 302 and 201 IPC. Same and similar allegations have been levelled by the petitioner against Kashmir Kaur and Kirandeep Kaur at a subsequent stage as well as while appearing before the learned trial Court as were there against Jaswant Singh accused who since stands acquitted in the case.

In view of the above, no case is made out for any interference in the impugned order whereby the application filed by the complainant/petitioner under Section 319 Cr.P.C. for summoning respondents No. 2 and 3 as additional accused stands declined.

The revision is without any merit and, therefore, dismissed.

**( T.P.S. MANN )  
JUDGE**

**October 3, 2017**  
amit rana

**( MAHABIR SINGH SINDHU )  
JUDGE**

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|---------------------------|--------|
| Whether reasoned/speaking | Yes/No |
| Whether reportable        | Yes/No |