

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

**CRR No.2657 of 2016 (O&M)
Date of Decision: July 13, 2017**

Kapuri Devi

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sandeep Parkash Chahar, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Kulvir Narwal, Advocate
for respondents No.2 to 5.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Kapuri Devi against State of Haryana and other respondents, challenging the impugned order dated 02.05.2016 passed by learned Addl. Sessions Judge, Rohtak, vide which the application filed by the petitioner under Section 319 Cr.P.C. for summoning Sheela and ASI Mahabir as additional accused was dismissed.

Notice of motion was issued. 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 challan was presented in this case against Chand etc. and during the pendency of the trial, an application under Section 319 Cr.P.C. for summoning Sheela and ASI Mahabir as additional accused has been filed. Reliance has been placed upon by learned Public Prosecutor on the statement of PW-1 Kapuri and her statement Ex.P1 along with suicide note of the deceased.

I have gone through the impugned order passed by learned trial Court. The impugned order dated 02.05.2016 passed by learned trial Court is as per evidence and law. No illegality has been committed by the Court below. The copy of the suicide note has been placed on the record, translation of which is at Annexure P-1. Though, it is written that three persons Chand, Krishan and wife of Chand are responsible for his death, but no role in the suicide note of any type has been attributed to Sheela, who is wife of Chand and to whom prosecution wants to summon as additional accused. There is nothing in the suicide note that she ever abused or gave any threat or anything, which amounts to abetment to commit suicide. No role has been attributed in the whole suicide note except first line that she is also responsible for his death.

Secondly, as regarding ASI Mahabir, firstly the deceased himself in the suicide note has not held him guilty or responsible for his death and he has named only three persons; Chand, Krishan and wife of Chand. The perusal of the suicide note shows some inaction on the part of ASI Mahabir. The main averment against ASI Mahabir in the suicide note is that Chand hurled many abuses upon deceased but ASI Mahabir did not

that whatever he can report, it will ultimately come to him.

Keeping in view the averments in the suicide note and further in view of the statement of Kapuri, which has been discussed by learned trial Court, I find that it does not appear from the evidence that Sheela and ASI Mahabir are involved in the commission of the offence or they be summoned as additional accused.

In view of the above discussion, I find that the impugned order dated 02.05.2016 passed by learned Addl. Sessions Judge, Rohtak is correct, as per evidence and law and does not require any interference from this Court.

Therefore, finding no merit in the present revision petition, the same is dismissed.

July 13, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No