

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2759-2016 (O&M)

Date of Decision:- 01.02.2017

Lakhwinder Kaur

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Arjun Atri, Advocate,
for the petitioner.**

RITU BAHRI, J. (Oral)

Present revision petition has been filed against order dated 14.07.2016 whereby an application made by the prosecution to summon Kiran wife of Paramjeet Singh, Naina daughter of Paramjeet Singh and one Kavita, maternal aunt (massi) of accused Ranjit, as additional accused, has been dismissed.

Briefly the facts of the case are that present FIR was registered at the instance of Lakhwinder Kaur, mother of deceased Gurjeet Kaur, with the allegations that her daughter was a student of 10 standard and for the last three months, Gatty, son of her landlord, had insisted her daughter to talk to him on telephone. On 11.08.2015, her daughter Gurjeet Kaur had handed over a slip to her upon which a mobile number had been written and disclosed her that the same had been handed over to her by Gatty by telling

her to talk to him on the said mobile number. Despite number of calls,

Gatty, did not pick up the phone and thereafter complainant talked with Paramjeet Singh (father of Gatty), Kiran Sandhu (mother of Gatty), Naina (his sister), Kavita (his massi) and one unknown lady, who had been there from outside, to explain about the misconduct of Gatty. Thereafter, some altercation took place and all the above-said persons had insisted her to get her daughter married to Gatty, otherwise she will have to face the bad consequences. Thereafter, the complainant returned to her home and saw that her daughter was lying in the critical condition and had also vomited severally. Consequently, Gurjeet Kaur, daughter of complainant, died during her and the complainant suspected that she had been abetted to commit suicide by all the aforesaid persons.

Learned counsel for the petitioner submits that all the accused persons have committed a heinous offence as they have compelled and harassed daughter of the petitioner to marry with Gatty son of Paramjeet Singh against her wishes and due to said reason, she committed suicide.

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that there was no allegations against the accused, who are sought to be summoned, that for the last three months they were harassing Gurjeet Kaur (daughter of the complainant). Mere oral deposition of the complainant, while appearing in the PW2, would not sufficient to summon the additional accused to face the criminal trial. The impugned order has been rightly passed after considering the guidelines laid down by Supreme Court in cases Hardeep Singh Vs. State of Punjab and others, (2014) 3 Supreme Court Cases 92 and Sarabjit Singh and another Vs. State of Punjab and another, AIR 2009

examined the matter in right perspective, recorded the cogent grounds and correctly dismissed the application filed by the prosecution. Such order, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited revisional jurisdiction of this Court under Sections 401 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 revision petition is hereby dismissed as such.

February 01, 2017
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(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No