

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

**Crl. Rev. No. 1238 of 2017 (O&M)
Date of Decision : April 3, 2017**

Ranjit Kaur Petitioner

VERSUS

State of Punjab..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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Present: Mr. Navraj Singh Mahal, Advocate
for the petitioner.

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LISA GILL, J. (Oral)

Prayer in this revision petition is for setting aside order dated 21.10.2016 passed by the learned Additional Sessions Judge, Kapurthala, whereby the petitioner has been summoned to face trial in FIR No. 42 dated 22.7.2014 for the offences punishable under Section 304-B IPC.

It is vehemently argued that the petitioner, who is the paternal aunt (Bua) of the husband of the deceased, has been falsely implicated in the aforesaid FIR. There are no specific allegations against her. She has been implicated because of her relationship with the husband of the deceased. The petitioner, a widow, is residing separately along with her son and furthermore they were declared innocent during investigation. The

learned trial Court has erred in summoning the petitioner and the accused

under Section 319 Cr.P.C.

I have heard the learned counsel for the petitioner and have gone through the file with his assistance.

FIR No. 42 dated 22.7.2014 under Section 304-B read with Section 120-B IPC was registered on the statement of Kuldip Singh, who is the brother of deceased-Gurpreet Kaur. The present petitioner along with Gurmej Kaur, mother-in-law of the deceased, were found innocent. However, on an application moved under Section 319 Cr.P.C. learned Additional Sessions Judge, Kapurthala, finding sufficient evidence against the petitioner as well as Gurmej Kaur, mother-in-law of the deceased, summoned them to face trial vide order dated 21.10.2016. As per allegations in the FIR demand of dowry was raised by the in-laws of the deceased from her family. Husband of the deceased went abroad and in his absence the present petitioner as well as her son Harjit Singh, who are stated to be residing jointly in the house of Bhajan Singh, father-in-law of the deceased started making life miserable for the deceased along with her parents-in-law. They taunted her for bringing less dowry. The deceased was constrained to return to her parental home due to ill-treatment meted out to her. A Panchayat was convened on 1.6.2014 where it was assured that maltreatment would not be meted out to the petitioner in future. The deceased in the presence of the members of the Panchayat stated that the root cause of quarrel in the house is the present petitioner along with her son Harjit Singh who had an evil eye on her. The deceased had left at her matrimonial home on the assurances of the accused but the maltreatment meted out to her did not stop. The complainant on 21.7.2014 received a telephone call at about 6:15 P.M. from the father-in-law of the deceased that

she was vomiting. The complainant reached his sister's matrimonial home. She was taken to the hospital. The father-in-law (co-accused) accompanied them to the hospital but she could not be saved. It was thus prayed by the complainant that action should be taken against the accused.

The learned trial Court on considering the entire facts and circumstances of the case found sufficient evidence on record against the petitioner namely Ranjit Kaur as well as the mother-in-law-Gurmej Kaur and directed them to be summoned as additional accused for the offence punishable under Section 304-B IPC vide the impugned order dated 21.10.2016.

It is undeniable that there are specific allegations against the petitioner who is none other than the widowed paternal aunt (Bua) of the deceased's husband. It is argued by learned counsel for the petitioner that she is living separately but there is nothing on record to indicate/substantiate such a stand. There are specific allegations against the petitioner at the very inception. The complainant has fully supported the prosecution version. As observed by the learned trial Court no explanation is forthcoming in respect to the reasons/basis on which the petitioner was found innocent by the investigating agency. There is sufficient evidence to summon the petitioner to face trial in the abovesaid FIR as an additional accused.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned order dated 21.10.2016 which may warrant any interference by this Court. Accordingly, this petition is dismissed.

Any observations made here-in-above shall not be construed to

be a reflection on merits of the case and shall have no bearing on the trial of the case.

Crl. Misc. No. 10972 of 2017

There is a delay of 68 days in filing of this petition. As the matter has been dealt with on merits, the same is rendered academic.

Application is disposed of.

3.4.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No