

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

**CRR No. 3006 of 2017(O&M)
Date of Decision: 11.09.2017**

Satpal Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. I.K.Kaushal, Advocate
for Mr. L.S.Sidhu, Advocate
for the petitioner.

LISA GILL, J(Oral).

The petitioner is aggrieved of order dated 17.03.2017, passed by the learned Additional Sessions Judge, Mansa, whereby application moved by the petitioner for summoning respondent no.2 as an additional accused, has been dismissed.

It is submitted that respondent no.2-Murti Kaur is the mother-in-law of the deceased. FIR No. 70 dated 29.06.2016, under Section 306 IPC, Police Station Boha, District Mansa, was registered on the statement of Satpal Singh (Annexure P-1), the brother of the deceased. Complainant stated that his sister was subjected to physical abuse at the hands of her husband-co-accused-Jugraj Singh (who is facing trial). There is a stray mention in the FIR that co-accused-Jugraj Singh used to beat the deceased on instigation of his mother-respondent no.2

Enquiry was conducted into the matter by the Deputy Superintendent of Police, Budhlada (Annexure P-4) and it was concluded on 22.08.2016 that respondent no.2 had no role to play in the death of Jasvir

Kaur (her daughter-in-law). It is mentioned in the said report that respondent no.2 never had any altercations with the deceased and the deceased used to remain disturbed because of the dispute between her own parents. Her parents had divorced each other. Mother of the deceased started living at Mansa along with three children and her father started residing at village Bhundar along with the remaining three children. Two brothers of the deceased residing with their father, committed suicide and thereafter, father of the deceased passed away. It is further mentioned that respondent no.2 was living separately from the deceased and her husband (son of respondent no.2). Accordingly respondent no.2 was declared innocent and placed in column no.2. After the statement of complainant-Satpal Singh was recorded, application under Section 319 Cr.P.C. for summoning respondent no.2 was moved.

The learned trial Court vide impugned order dated 17.03.2017, has dismissed this application finding no merits therein.

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

It is settled that for summoning any person to face trial as an additional accused in exercise of powers under Section 319 Cr.P.C., there has to be something more than *prima facie* evidence against him though less than evidence which would necessarily lead to his conviction. There is nothing on record to suggest that the inquiry conducted by the Deputy Superintendent of Police, Budhlada, is tainted. No further evidence against respondent no.2 has come on record except the statement of the complainant which is an affirmation/reiteration of the initial version.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned order dated 17.03.2017

passed by the learned Additional Sessions Judge, Mansa, which calls for interference by this Court in exercise of jurisdiction under Section 482 Cr.P.C.

There is a delay of 72 days in filing of this petition. As the matter has been dealt with on merits, adjudication of this application is rendered academic.

Accordingly, this petition is dismissed.

11.09.2017

s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No