

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

CRR-3066-2014(O&M)

Date of decision:-24.9.2018

Jaspreet Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Vivek K. Thakur, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

Mr.Harit Sharma, Advocate
for respondent No.2.

H.S. MADAAN, J.

This revision petition is directed against the order dated 23.7.2014 passed by learned Additional Sessions Judge, Kapurthala vide which he had allowed the application for summoning of Tarlok Singh and Jaspreet Kaur (present petitioner) daughter of Tarlok Singh and for framing of charge against all the accused under Sections 302/304-B and in the alternative under Section 306/498-A read with Section 120-B/34 IPC.

Briefly stated, facts of the case, as per prosecution version are that criminal machinery in this case was set into motion by complainant Gurdev Singh, who in his statement made to the police stated that his daughter Jiwanjot Kaur was married with Gurwinder Singh on 15.4.2012 and at that time he had given sufficient dowry articles including costly

items; the couple was blessed with a daughter aged about 7 ½ years at that time. The complainant in his statement stated that soon after the marriage her daughter Jiwanjot Kaur was harassed and maltreated by her husband Gurvinder Singh; that Jaspreet Kaur, a married sister of Gurvinder Singh, who had left her matrimonial home and was residing with her parental family also joined Gurvinder Singh in ill-treating Jiwanjot Kaur; that they did so in connection with demand of dowry; the parents of Gurvinder Singh had also been treating Jiwanjot Kaur in a bad manner; that on 22.11.2013 Jiwanjot Kaur gave a missed call to her father, the complainant, then complainant gave a call to Jiwanjot Kaur and found that she was very much confused and was not in a position to say anything clearly, rather she stated that she wanted to talk with her mother and thereafter disconnected the call; that on the same day at about 5:45 p.m. Gurvinder Singh made a telephonic call to the complainant informing that Jiwanjot Kaur had committed suicide. The complainant in his statement to the police stated that he had a firm belief that his daughter had been killed by her husband Gurvinder Singh, father-in-law Tirlok Singh and mother-in-law Jasvir Kaur. Formal FIR was recorded, firstly under Section 304-B IPC, thereafter, the offence was changed to 306 IPC. The matter was investigated. Tirlok Singh and Jaspreet Kaur were found to be innocent and only Gurvinder Singh husband and Jasvir Kaur mother-in-law of the deceased were challaned.

During the trial against Gurvinder Singh husband and Jasvir Kaur, the prosecution has moved an application under Section 193 Cr.P.C. for summoning of Tarlok Singh and Jaspreet Kaur submitting that despite

sufficient evidence being available against them, the investigating agency had not challaned such accused.

The application was resisted by the appearing accused. However, vide the impugned order, the application was accepted and Tarlok Singh and Jaspreet Kaur were ordered to be summoned.

This order left Jaspreet Kaur aggrieved and she has filed the present revision petition praying that the same be accepted, the impugned order qua her be set aside and application with relation to her be dismissed.

Notice of the petition was issued to the respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record and I find that there is no merit in the revision petition.

It has to be noticed that in the FIR, the revisionist is named along with her co-accused and specific allegations are there that she along with her co-accused had been harassing the deceased in connection with demand of dowry. Although a contention has been put forward on behalf of the revisionist that she is married having a family, as such there was no occasion for her to remain in her parental house and harass and maltreat Jiwanjot Kaur but then in the FIR itself, it is mentioned that after marriage, the revisionist had left her matrimonial home and had been staying with her parental family along with her child.

The order passed by the trial Court is well reasoned one, based upon proper appraisal and appreciation of evidence and correct interpretation of law. There is no illegality or infirmity therein.

The law is well settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment/order passed by a Court below or the same is perverse and not otherwise.

In the present case, I do not find any such illegality or infirmity with the impugned order much less apparent on the face of it. The order is certainly not in violation of settled principles of criminal jurisprudence. I do not see any reason to upset the impugned order.

Therefore, criminal revision petition challenging that order cannot survive and is dismissed accordingly.

24.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No