

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

CRR-775-2016

Date of decision:-10.7.2018

Ram Mehar

...Petitioner

Versus

State of Haryana and another

...Respondents

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

Present: Ms.Loveleen Dhaliwal, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

Mr.S.S. Virk, Advocate
for the respondent No.2.

H.S. MADAAN, J.

Being challenged in this revision petition is order dated 9.2.2016 passed by learned Additional Sessions Judge, Jind vide which application under Section 319 Cr.P.C. filed by respondent No.2 for summoning petitioner – Ram Mehar mentioned in column No.2 of report under Section 173 Cr.P.C., as an additional accused to face trial in case FIR No.26 dated 29.1.2015 under Sections 498-A/328/34 IPC, registered with Police Station Safidon, District Jind has been allowed.

Briefly stated, facts of the case are that the complainant Ritu

aged about 26 years wife of Surender Singh son of Ram Mehar, resident of village Singhpura had submitted a written complaint addressed to Incharge, Police Station Safidon. The relevant part of the complaint is as under:

“I have been married for more than 2 years. At the time of my marriage my father had given sufficient dowry beyond his capacity. I had given a complaint in this regard but we settled the matter in the Panchayat that neither will we demand dowry nor will they beat me. But on dated 26.1.2015 they demanded dowry in which they demanded 25 lakhs on the pretext of buying land and when I refused to obey their order then they beat me during the night and also tried to burn me. The burn marks are still on my body. In the morning my husband gave me medicine for stomach ache and when I refused to take that medicine then my husband and father-in-law caught hold of me and my mother-in-law forcibly administered the medicine to me. My husband's grand mother, my father-in-law, my husband and my mother-in-law are involved in this conspiracy. Strict legal action be taken against them and I shall be given justice.

On the basis of that complaint, formal FIR was registered. After completion of investigation and other formalities, challan against Surender Singh – husband and Rajbala Devi – mother-in-law of the complainant was filed, whereas Ram Mehar – father-in-law and Ram Pati – grand-mother-in-law were not challaned and their names were kept in

column No.2 of the challan. During the trial against Surender Singh and Rajbala Devi, an application under Section 319 Cr.P.C. for summoning of Ram Mehar and Ram Pati was moved by the complainant – Ritu. The trial Court vide order dated 9.2.2016 accepted the request as regards Ram Mehar, whereas declined it with regard to Ram Pati.

Feeling aggrieved Ram Mehar has filed the present revision petition challenging that order, notice of which was given to respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

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. The impugned order summoning the present petitioner as an additional accused is well reasoned one, based upon proper appraisal and appreciation of evidence and correct interpretation of law. The name of the petitioner appeared as a culprit in the FIR itself, though he was not sent up to face trial. But during trial against Surender Singh and Rajbala Devi when statement of prosecutrix was recorded, she had categorically taken name of the present petitioner attributing criminal acts to him. Therefore, application under reference was filed which was partly allowed with regard to the present petitioner. The trial Court has kept in view the latest law on the subject by the Apex Court as well as by this Court while coming to the conclusion as under:

“From perusal of complaint Ex.PA as well as the deposition of the complainant Ritu in the court, it is revealed that the specific role has been attributed to Ram Mehar (father-in-law) by the complainant alleging that as he and Surender (her husband) caught hold her whereas her mother-in-law Raj Bala put some substance in her mouth forcibly. It is also pertinent to mention here that during investigation the police also took doctor's opinion regarding injury around the lips of the complainant and the doctor opined that the injury may be due to forcible ingestion of poison. Further, though in the supplementary challan furnished against co-accused Raj Bala it is mentioned that Ram Mehar and Ram Pati were found innocent but under what circumstances they were found innocent has not been mentioned. In view of above facts this Court is of the opinion that there is sufficient evidence on the file to summon Ram Mehar as additional accused. Insofar as the role of Ram Pati is concerned, there are only allegations that she is involved in the commission of crime but no specific role has been attributed to her that how she committed the offence in question. Also, a copy of ration card has been placed on record by the accused to show that she was living separately. Hence, in the considered opinion of this court no ground is made out for summoning Ram Pati, grand-mother-in-law of the complainant as an additional accused.

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.

Resultantly, the revision petition stands dismissed.

10.7.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No