

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 2652 of 2017 (O&M)

Date of decision : 6.10.2018

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Subhash Chander

.....Petitioner

vs.

State of Haryana and others

.....Respondents

**Coram: Hon'ble Mr. Justice H. S. Madaan**

Present: Mr. Sandeep Verma, Advocate  
for the petitioner.

Mr. Brijesh Sharma, Assistant Advocate General,  
Haryana.

Mr. N.S. Shekhawat, Advocate for respondents No.3.

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**H. S. Madaan, J.**

This revision petition is directed against order dated 25.7.2017, passed by Additional Sessions Judge, Narnaul, vide which an application filed by the prosecution under Section 319 Cr.P.C. for summoning of Vikas and Ramesh, respondents No.2 and 3, respectively, in the petition, as additional accused, had been dismissed.

However, learned counsel for the petitioner had made a statement in the Court on 1.9.2017 that he did not press the petition qua respondent No.2. Therefore, the same was dismissed as withdrawn with regard to respondent No.2 Vikas s/o Ramesh.

Briefly stated, facts of the case as per prosecution story are

that complainant Subhash Chander had set the criminal machinery into motion by making statement to the police that his daughter Alka @ Priyanka was married with accused Neeraj. He had given considerable dowry articles at the time of marriage including a Swift car and jewellery items, besides cash amount. However, soon after the marriage, Alka @ Priyanka was harassed and maltreated by her husband and his family members, including Vikas, the elder brother of Neeraj, as well as Mukesh Devi and Ramesh – parents of Neeraj. When Alka @ Priyanka was in family way, then Ramesh, Vikas, Mukesh Devi and Neeraj tried to cause her miscarriage for the reason that foetus was that of a girl. The deceased used to inform her father regarding her maltreatment and torture at the hands of accused. Ultimately, on 17.11.2016 in the morning the complainant was informed regarding the death of his said daughter. He accordingly went to the matrimonial home of his deceased daughter and was told that she had died as a result of hanging from a ceiling fan. However, the complainant suspected that she had been murdered by the accused.

On the basis of his statement formal FIR No. 498 dated 17.11.2016, under Section 304-B, 498 A/34 IPC, was registered.

The investigation in the case started. After completion of the investigation and other formalities, challan against accused Neeraj – husband and Mukesh Devi – mother-in-law of the deceased was filed. During trial against them, an application under Section 319 Cr.P.C. was moved by the complainant for summoning of Vikas s/o Ramesh – brother-in-law and Ramesh s/o Ram Singh – father-in-law

of the deceased, as additional accused. That application was dismissed by the trial Court. The relevant part of the order is as under :-

“6. After hearing learned counsel for the parties and perusing the record, I am of the firm opinion that instant application deserves to be dismissed. My opinion is based upon the following grounds:-

Admittedly First Information Report in present case was registered on the basis of statement of PW1 Subhash Chand son of Sita Ram who was father of the deceased Alka alias Priyanka married to accused Neeraj. A perusal of the final report reveals that he made the allegations of taunting for not bringing the vehicle qua Ramesh son of Ram Singh and Vikas son of Ramesh but during the course of investigation they were found innocent by the police and accordingly they were put in column No.12 of the final report. Now during the course of trial, complainant appeared in the witness box as PW-1 and reiterated the allegations qua Vikas son of Ramesh and Ramesh son of Ram Singh. Further comparison of police statement and the evidence given by the complainant Subhash Chand in the court reveals that he has improved on various material points in his evidence. In his

examination-in-chief he deposed that he was present when his daughter told as she was taken to some Yadav Hospital for checking the pregnancy. Whereas this fact is not stated in his police statement likewise this witness was confronted by Learned defence counsel with his statement Ex.PW1/A, wherein it is not stated that after one month of marriage of his daughter Neeraj, Vikas told him that he did not given a bag car in the marriage. Moreover, a perusal of the report reveals that the daughter of the complainant found dead on 17.11.2016 whereas a certified copy of a certificate pertaining to Vikas son of Ramesh reveals that he was on leave from 18.11.2016 to 2.12.2016 after the death of daughter of complainant, therefore, in these circumstances it appears that Vikas was not present soon before the death of deceased in the house.”

Feeling aggrieved, the complainant has knocked at the door of this Court by way of filing the present revision petition, notice of which was given to the State and complainant.

I have heard learned counsel for the petitioner, learned Sate counsel, learned counsel for the complainant, besides going through the record and I find that this revision petition is doomed for failure. The law is well settled that revisional jurisdiction of the court

of Sessions or this Court is very limited. Interference by superior Court while exercising revisional jurisdiction is called for only if the order passed by the court below is perverse or had been passed in violation of settled principles of criminal law. Here it is certainly not so. The impugned order is well reasoned, based upon proper appraisal and appreciation of evidence and correct interpretation of law and by considering facts and circumstances of the case.

It has been observed that from the record it comes out that Vikas was not present in the matrimonial home of the deceased soon before her death. Even otherwise, the complainant has given up claim against Vikas and is confining his prayer qua Ramesh only. Learned trial Court has observed that complainant Subhash Chander, while getting his statement recorded in Court during the trial has made material improvements and contradictions and further more no fresh evidence had appeared on the record. On the basis of evidence available earlier, the Investigating Agency had not found involvement of Ramesh and Vikas, as such they were not challaned. In the absence of some additional evidence, the trial Court has rightly dismissed the application. Further, it is stated that the trial is at the fag end.

As such I do not find any merit in the revision petition and the same stands dismissed accordingly.

**6.10.2018**  
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**( H.S. Madaan )**  
**Judge**

Whether speaking / reasoned                      Yes / No

Whether reportable                                      Yes / No