

CRR No. 1100 of 2018 (O&M)

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

CRR No. 1100 of 2018 (O&M)

Date of decision : 16.04.2018

Vijay

.....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vikram Singh, Advocate
for the petitioner.

ANITA CHAUDHRY, J.

CRM-12606-2018

For the reasons set out in the application, same is allowed as prayed for and accompanying documents are allowed to be taken on record.

MAIN CASE

The petitioner has assailed the order dated 19.12.2017, passed by the Additional Sessions Judge, Jind who dismissed the application filed under Section 319 Cr.P.C.

Manju was married to Ashok in March 2016. She died an unnatural death in the matrimonial home on 28.01.2017. Allegations were made that the husband used to hate Manju. The girl returned to the

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parent's house. After a Panchayati compromise, she returned to the matrimonial home. A month later Manju's father-in-law called the complainant's brother informing them that Manju had consumed some poisonous substance. The complainant went to the matrimonial home and brought Manju back to their house and on inquiry, they were told that poison had been forcibly administered to her by the in-laws and her husband. It was alleged that the mother-in-law, her sister, sisters' son and the husband had killed her.

Based on this complaint the police challaned the husband. The names of the remaining persons were shown in column no.2.

The complainant made his statement as a prosecution witness and named the mother-in-law, her sister and sister's son and sought their summoning as additional accused.

The defence had pleaded that there was no allegation against the three additional persons regarding any demand of dowry and Sheela & her son were living separately. They had also submitted that the poisonous substance was allegedly taken on 27.01.2017 and the girl had gone back to her parent's house the same day but the parents got her admitted in PGI Rohtak on next day and there were improvements in the statement made by the complainant.

Noticing all the above facts, the trial Court refused to summon the remaining accused. The trial Court had noted that if the poison had been administered the previous day, there was no reason why

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the parents did not take her to the hospital the same day. The trial Court refused to exercise the extra ordinary power under Section 319 Cr.P.C.

I have heard the counsel for the petitioner at length.

The trial Court had examined the material collected by the police during investigation and the statement of the complainant and found that the complainant had improved his version. The prosecution has been unable to offer any explanation as to why the complainant did not take the girl to the hospital on the same day. I find no infirmity in the order.

The petition is dismissed.

16.04.2018
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No