

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

CRR No. 4114 of 2017(O&M)

Date of Decision: 17.01.2018

Paramjit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vinod Kumar, Advocate
for the petitioner.

LISA GILL, J(Oral).

Petitioner is aggrieved of order dated 17.03.2017, passed by the learned Additional Sessions Judge, Hoshiarpur, whereby application filed under Section 319 Cr.P.C for summoning respondents no.2 to 5 as additional accused to face trial in FIR No. 54 dated 25.07.2015, has been dismissed.

The above said FIR was registered on the statement of the petitioner, who is the sister of the deceased. It is stated by the petitioner that her sister-Harvir Kaur (deceased) was married with the accused-Kamaldeep Singh 10 years prior to the occurrence in question. The petitioner had no brother. They were six sisters and husband of the deceased had an evil eye on their property. He used to beat Harvir Kaur on the pretext of money. Panchayats were convened, but to no avail. It is alleged that Kamaldeep Singh physically abused her sister for bringing dowry. He demanded a car, as well. Specific allegations of maltreatment of the deceased at the hands of the husband are raised. It is further stated that even other family members including mother-in-law i.e. respondent no.2, sister-in-law-respondent no.3, brother-in-law-respondent no.4 and a cousin brother-respondent no.5 used to harass her for bringing insufficient dowry. Information was received on

25.07.2015, at 7.00 p.m from someone that the petitioner's sister was

administered some poisonous substance and was under treatment at a hospital. The petitioner reached the hospital and her sister disclosed that all the above said persons had beaten her and forcibly administered poisonous substance. FIR No. under Section 54 dated 25.07.2015, under Sections 302, 149 IPC, was initially registered. However, on investigation, husband of the deceased was proceeded against for the offences punishable under Section 306 IPC. The other accused named in the FIR were found innocent.

After recording of the statement of PW-1, application under Section 319 Cr.P.C., was moved for summoning respondents no.2 to 5. Said application was dismissed vide impugned order dated 17.03.2017. Aggrieved therefrom, this petition has been filed.

Learned counsel for the petitioner vehemently argues that the petitioner has consistently stated that all the accused persons subjected her sister (deceased) to ill-treatment and harassment. She was subjected to brutal physical abuse and thereafter, poison was forcibly administered to her by all of them. In this view of the matter, it is submitted that this petition be allowed and respondents no. 2 to 5 be summoned as additional accused to face trial.

I have heard learned counsel for the petitioner and have carefully gone through the file.

It is not in dispute that after investigation, accused-Kamaldeep Singh, the husband of the deceased is being proceeded against for the offences punishable under Section 306 IPC. No offence punishable under Section 302 IPC was found to be made out on the basis of the allegations levelled by the petitioner. Learned counsel for the petitioner is unable to point out any injuries detected on the person of the deceased to substantiate his arguments that the victim was subjected to brutal physical abuse before

her death and thereafter, forcibly administered poison. There are no specific allegations against any of the respondents sought to be summoned as additional accused to face trial. General, vague and sweeping allegations have been levelled against the said persons. There is nothing on record to point towards any defective or tainted investigation by the police authorities. The facts and circumstances as above indeed do not indicate such sufficient, clear or cogent material to justify summoning of the said respondents. The learned trial Court has rightly dismissed the application under Section 319 Cr.P.C., *qua* respondents No. 2 to 5.

It has been held by the Hon'ble Supreme Court in **Hardeep Singh versus State of Punjab and others 2014 (3) SCC 92** and **Brijendra Singh versus State of Rajasthan 2017 SCC Online SC 491** that for summoning a person to face trial as an additional accused, there has to be something more than *prima facie* evidence though less than evidence to the extent which if unrebutted, would lead to certain conviction of the said accused. In the factual matrix of the case, it cannot be said at this stage that there is evidence of this nature available on record which would justify the summoning of respondents No. 2 to 5.

Learned counsel for the petitioner is unable to point out any infirmity, illegality or perversity in the impugned order dated 17.03.2017, which calls for interference by this Court in exercise of its revisional jurisdiction.

Accordingly, this revision petition is dismissed.

17.01.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No
Whether reportable: Yes/No