

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

CRR-193-2018

Date of decision: 6.8.2018

Paramjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present: Mr.R.V.S.Chugh, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

Mr.Jasraj Singh, Advocate
for respondent No.2.

H.S. MADAAN, J.

This revision petition is directed against the order dated 7.12.2017 passed by the Court of learned Additional Sessions Judge, Hoshiarpur vide which he had dismissed an application under Section 319 Cr.P.C. for summoning of Gurninder Singh as an additional accused.

Briefly stated, facts of the case as per prosecution version are that complainant Paramjit Singh son of Aya Singh, resident of Phaglana, P.S. Mehatiana, District Hoshiarpur got recorded his statement with police on 20.12.2015 stating therein that his daughter Gurvinder Kaur was married with Gurninder Singh son of Gurdev Singh, resident of Purhira, District Hoshiarpur; that Gurvinder Kaur was working as Education Provider in the the Government Elementary School village Davida

Ahirana; that Gurvinder Kaur could not bear any child for about 4 years, therefore her husband, mother in law and father in law used to harass her and Gurvinder Kaur used to tell her father, the complainant, in that regard; that Gurvinder Kaur was getting medical treatment from Mannat Hospital, Jalandhar; that the doctor had advised her to have test tube baby or to adopt any child; that she was also advised to have bed rest. In his statement to the police, the complainant stated that Gurvinder Kaur told them that her husband Gurninder Singh, mother in law Balbir Kaur and father in law Baldev Singh used to harass her mentally by saying that in case she gave birth to a son then they would keep her in their house and in case girl child was born then she would not be kept in the matrimonial home. According to the complainant, the in-laws family of Gurvinder Kaur did not allow her to take the diet as advised by the doctor; that on 19.12.2015 Gurvinder Kaur telephonically called them stating that her husband, mother in law and father in law were harassing her and she asked her father to take her along with him; that on 20.12.2015, Baldev Singh, father in law of Gurvinder Kaur told the complainant telephonically at about 1:30 p.m., that Gurvinder Kaur had died, then the complainant reached the matrimonial home of deceased and saw the dead body of Gurvinder Kaur lying on a cot; that he stated that Gurvinder Kaur had died due to harassment by her husband Gurninder Singh, mother in law Balbir Kaur and father in law Baldev Singh and action be taken against them.

On the basis of such statement, formal FIR was registered.

The matter was investigated. After completion of investigation, only

parents in law of the deceased were forwarded to face trial, whereas Gurninder Singh, husband of deceased was not challaned. During the trial against parents-in-law of Gurninder Singh, an application under Section 319 Cr.P.C. was filed for summoning of Gurninder Singh as an additional accused, which was declined by the trial Court vide the impugned order. The said order left the complainant aggrieved and he has filed the present revision petition, notice of which was issued to respondents, who put in appearance through counsel.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel for respondent No.2 besides going through the record and I do not find any illegality or infirmity with the impugned order. The order is well reasoned one, based upon proper appraisal and appreciation of evidence and correct interpretation of law.

A very important piece of evidence in this case is suicide note by the deceased. A perusal of such note goes to show that the main thrust of allegations is against parents-in-law of the deceased, whereas the allegations against the husband are not very serious, which are in the form he being under influence of his mother. There are no direct and specific allegations against her husband. It was for that reason that during the course of investigation, the police did not find enough evidence against Gurninder Singh to send him to face trial along with his parents. On an application having been moved by Amarjit Singh son of Ram Singh, an inquiry into the matter had been conducted by DSP, who had submitted his report dated 10.3.2016 finding that Gurninder Singh was innocent, where he had recommended that challan against his parents i.e. father

Baldev Singh and mother Balbir Kaur be prepared and filed in the Court. A perusal of the impugned order goes to show that learned Additional Sessions Judge, Hoshiapur has taken note of all these things. The law on the subject has been considered. The contents of suicide note taken into view and then concluding that the deceased had blamed her mother-in-law and father-in-law without showing any resentment against her husband, did not find it a fit case for invoking power under Section 319 Cr.P.C. so as to summon Gurninder Singh as an additional accused, thereby declining the application. The trial Court has exercised the jurisdiction in proper and judicious manner and no fault could be found with the same.

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

6.8.2018

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No