

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

CRR-2337-2018

Date of decision:-31.7.2018

Munish Mahajan and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present: Mr.Vishal Garg, Advocate
for the petitioners.

H.S. MADAAN, J.

This revision petition is directed against the order dated 12.4.2018 passed by learned Additional Sessions Judge, Gurdaspur vide which Munish Mahajan and his wife Sheetal Mahajan, both revisionist before this Court have been summoned as additional accused to face trial along with the accused already facing trial.

The revisionists pray that the revision petition be accepted, the impugned order be set aside and application under Section 319 Cr.P.C. be dismissed.

Briefly stated, facts of the case are that FIR in this case was

lodged by Sunil Mahajan son of Ravi Mahajan, resident of Batala by making statement to the police in which he stated that he had a sister by name of Charu Mahajan, who was married with Anish Mahajan son of Vishwamittar of Batala on 26.1.2014; that the entire in-laws family of Charu including her father-in-law Vishwamittar Mahajan, mother-in-law Sunita Rani, husband's elder brother (JETH) – Munish Mahajan, his wife (JETHANI) – Sheetal and their children were residing in one house; that Charu had given birth to a son; that Munish had been running hardware business in a shop at Amritsar Road, Batala but he had suffered set back in the business, which gave rise to tension in the family; that the in-laws family of Charu used to demand money from them; that they could not concede that demand, as such, the in-laws family of Charu used to threaten that they would sell of their house and send Munish Mahajan and his family abroad; that Charu used to resist that attempt resulting in frequent quarrels between her and her in-laws family; that a day earlier i.e. on 10.2.2017, Charu had come to her parental house and she told her brother Sunil Mahajan and father besides mother Veena Mahajan that her father-in-law Vishwamittar, mother-in-law Sunita Rani, Munish Mahajan – Jeth, Sheetal – Jethani, her husband Anish Mahajan had been maltreating her and had been pressurizing her to bring money from her parents going to the extent of taunting her and she was thinking of committing suicide, though she was pulling up for the time being; that on 11.2.2017 at about 7:00 p.m., Anish Mahajan made a telephonic call to the complainant asking him to come immediately for the reason that Charu was in serious condition. According to the complainant, he along with his

father Ravi Mahajan immediately went to the matrimonial home of Charu; that they found Charu lying on a bed in an unconscious condition. They removed Charu to Civil Hospital, Batala, where she was declared dead. The doctor had found an injury on the neck of deceased. The complainant stated that he was certain that his sister Charu had been murdered by her in-laws family since she could not concede their demand of payment of money. On the basis of this statement, formal FIR was registered against Anish Mahajan, Vishwamittar and Sunita Rani, whereas Munish Mahajan and Sheetal were not challaned and their names were placed in column No.2 of report under Section 173 Cr.P.C. During pendency of the trial against Anish Mahajan, Vishwamittar and Sunita Rani, the prosecution moved an application for summoning of Munish Mahajan and Sheetal as additional accused, which was allowed by the trial Court and the said order left the petitioners aggrieved and they have filed the present revision petition.

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

The inference drawn by the learned trial Court is given in para No.6 of the order, which for ready reference is reproduced as under:

6. *Heard.*

Record perused. After considering the arguments and going through the record, in the considered opinion of this Court, in the present case after registration of FIR, all the accused persons applied for bail upto Hon'ble High Court for anticipatory bail but they failed to get anticipatory bail.

Thereafter, they surrendered before the Investigating Officer and the Investigating Officer gave them clean chit. On the other hand, complainant is repeatedly making allegations against these persons. In the considered opinion of this Court, from the testimony of complainant Sunil Mahajan (PW-1) and other facts, there is sufficient evidence on record to proceed against both these accused persons. It is on the record that both the accused namely Manish Mahajan is brother and Sheetal Mahajan is sister-in-law of accused Anish Mahajan, husband of Charu Mahajan deceased, and they were residing in the same house where the deceased resided before her death. PW-1 has also stated in his evidence in the court that said accused were living in a joint accommodation and at the instance of these persons, the deceased was harassed by all the accused persons. The complainant has specifically named both these accused and there is sufficient material against these persons to summon them in the present case as co-accused. So, in the interest of justice in the considered opinion of this court both these accused are required to be summoned to face the proceedings in the present case. Therefore, the present application under Section 319 Cr.P.C. is allowed and both the accused namely Manish Mahajan and Sheetal Mahajan are ordered to be summoned under Section 304-B, 120-B IPC through non-bailable warrants of arrest, for 26.4.2018

for appearance. However, this order shall have no bearing effect on the decision of the case on merits.

The order is well reasoned one, based upon proper appraisal and appreciation of evidence and correct interpretation of law. There is no illegality or infirmity therein. The trial Court after its subjective satisfaction has come to the conclusion that additional accused are required to be summoned to face proceedings in the case, therefore allowing the application. The order is certainly not perverse or has not been passed against settled principles of criminal jurisprudence. I do not see any reason to interfere with the same while exercising revisional jurisdiction.

Therefore, the revision petition is dismissed accordingly.

31.7.2018

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No