

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

CRR-2474-2018

Date of decision:-2.8.2018

Narinder Pal Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present: Mr.Ashok Goel, Advocate
for the petitioners.

H.S. MADAAN, J.

This revision petition has been filed against order dated 16.7.2018 passed by Judicial Magistrate Ist Class, Patiala vide which Narinder Pal Singh and Narinder Kaur have been summoned as additional accused, while allowing application under Section 319 Cr.P.C. Such revisionists pray that the revision petition be accepted, the order under revision be set aside and application under Section 319 Cr.P.C. be dismissed.

Briefly stated, facts of the case are that the complainant had submitted a complaint to Senior Superintendent of Police, Patiala levelling allegations against accused Jaswinder Singh, Narinder Pal Singh

and Narinder Kaur. However, only accused Jaswinder Singh was sent up to face trial, whereas Narinder Pal Singh and Narinder Kaur were not challaned and their names were kept in column No.2 of the challan. During the trial against Jaswinder Singh, an application under Section 319 Cr.P.C. was filed for summoning of Narinder Pal Singh and Narinder Kaur as additional accused, which was allowed by the trial Court vide impugned order and therefore, such accused felt aggrieved and brought the present revision petition.

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

The trial Court has observed that in this case both the additional accused sought to be summoned are residing in the same house and they had subjected the complainant to cruelty. Referring to authority pressed into service by learned counsel for the accused i.e. **Bobbill Ramakrishna Raju Yadav Versus State of Andhra Pradesh 2016(1) Apex Court Judgments 453**, the trial Court found that it was not applicable because in the instant case specific demand of property had been made and further to attract Section 498-A IPC not only the demand of dowry is required but subjecting the complainant to cruelty, physical or mental may be considered. The trial Court observing that acts of accused Jaswinder Singh, Narinder Pal Singh and Narinder Kaur are covered by Section 498-A IPC, accepted the application. Though learned counsel for the petitioners contended that petitioners have been putting up in a separate house, as such they have been wrongly roped in. However, learned trial Court has pointed out that in case in hand both the additional

accused sought to be summoned are residing in the same house and subjected the complainant to cruelty. The guilt of the accused shall be determined during the trial.

The order passed by the trial Court is well reasoned one, based upon proper appraisal and appreciation of evidence and correct interpretation of law.

In view of the above discussion, no infirmity or illegality in the impugned order is found to be there, which might have warranted interference by this Court. Resultantly, the revision petition stands dismissed.

2.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No