

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

**CRR No.3158 of 2018
DECIDED ON: October 30, 2018**

PALA RAM

..PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Harsh Goyal, Advocate for
Mr. Tribhawan Singla, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision petition, petitioner-complainant lay challenge to the order dated 29.08.2018 passed by Additional Sessions Judge, Ambala whereby his application under Section 319 Cr.P.C. for summoning Darshan Singh son of Jasmer Singh as additional accused has been rejected.

Briefly, the younger daughter of the petitioner namely Rustam was given in marriage around 12-13 years ago to one Sukhjinder Singh, who used to beat her for bringing more dowry in the shape of cash, motorcycle and other items. He also used to suspect the character of the daughter of the petitioner. On disclosing about the mal-treatment given by Sukhjinder Singh to her, petitioner tried his level best to make his son-in-law understand, not to harass and beat his daughter, who was completely disturbed on account of beatings and harassment given by

her husband.

On 18.07.2017, on receipt of information about the death of his daughter through telephone from his son-in-law, the petitioner reached matrimonial house of his daughter. On asking from his son-in-law Sukhjinder Singh about the reason her death, he told that she had died on account of heart attack. However, the petitioner came to know that his daughter had committed suicide on account of beatings and harassment to her by her husband Sukhjinder Singh, mother-in-law Omwati and Darshan Singh, brother-in-law (jeth).

On these broad allegations, FIR No.101 dated 18.07.2017, under Section 306 read with Section 34 IPC was registered against Sukhjinder Singh, Omwati and Darshan Singh at Police Station Barara, District Ambala.

During investigation, Darshan Singh, brother in-law (jeth) of the deceased-Rustam was found innocent. Therefore, while filing report under Section 173(2) Cr.P.C. against Sukhjinder Singh and his mother Omwati, Darshan Singh was placed in column No.2 as innocent.

During trial, after examination of two witnesses namely PW1 ASI Ram Saran, PW2 Sh. Krishan Lal and partly recording the statement of petitioner as PW3, petitioner through ld. APP moved an application under Section 319 Cr.P.C. for summoning of Darshan Singh, brother-in-law (jeth) of his deceased daughter as additional accused, which after hearing both the sides, has been dismissed vide

impugned order dated 29.08.2018.

Learned counsel for the petitioner contends that Darshan Singh was specifically named in the FIR as one of the persons being responsible for the suicidal death of his daughter along with co-accused. PW-3 petitioner also specifically attributed harassment and mal-treatment given by Darshan Singh to his deceased daughter. Trial Court has wrongly dismissed the application of the prosecution under Section 319 Cr.P.C. on cryptic grounds that Darshan Singh, being married, had his own family and thus, was not beneficiary to the alleged dowry demand raised by Sukhjinder Singh-husband, Omwati-mother-in-law.

After hearing the submissions made by learned counsel for the petitioner, this Court finds that present petition is completely devoid of any merit for the reasons given below:-

1. The trial court has rightly dismissed the application under Section 319 Cr.P.C. observing that Darshan Singh, who was sought to be summoned as additional accused, was not a beneficiary to the dowry demand, being married having his own family.

2. It is a well-known fact that in a dowry death case or suicidal death, on account of harassment by the husband, all the family members of bride-groom are involved in a revengeful manner.

3. In the instant case, husband of the deceased daughter of the petitioner and her mother-in-law Omwati are already facing the trial.

No direct evidence has been led by the prosecution to show complicity

of Darshan Singh in the alleged suicidal death of the daughter of the petitioner.

4. Even, there is no iota of evidence to show as to whether Darshan Singh was living separately or in the same house, where the deceased daughter of the petitioner was residing with her husband.

5. Allegations levelled against Darshan Singh by the petitioner are vague in nature without specifying date, time and instance.

Considering overall facts discussed above, the instant petition being devoid of merits is dismissed.

October 30, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No