

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-46508 of 2018

Date of Decision: March 29, 2019

Nirmal Singh and others

.....Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Rahul Sharma, Advocate
for the petitioners.

FATEH DEEP SINGH, J. (Oral)

A complaint bearing No. 2156 dated 24.06.2014 moved by Taranjeet Kaur was received in the office of the Senior Superintendent of Police, Patiala by way of registered post against Rupinder Singh @ Ravinder Singh, Mahinder Kaur, Surjit Kaur, Nirlep Kaur, Jagdish Kaur, Chamkaur Singh, Manjit Kaur, Nirmal Singh, Kuldeep Kaur and Satnam Singh. In her complaint, it is alleged that she got married on 05.07.2017 with accused Rupinder Singh @ Ravinder Singh and her family had spent more than Rs.25,00,000/- at the marriage giving sufficient 'istridhan', gifts and other costly items including the house hold goods and detailed present petitioners Manjit Kaur, Surjit Kaur, Kuldeep Kaur and Jagdish Kaur, who received these

articles alongwith accused Nirmal Singh, Satnam Singh and Chamkaur Singh and had detailed articles given to these persons. At the time of handing over all these articles of 'istridhan', it is alleged that family of the complainant had told the accused side that they were meant for the use of the daughter and that the same be handed over to her after the marriage to which the accused had agreed. It is alleged that the accused side unhappy with the insufficiency of the articles of istridhan had started bickering and often taunted the complainant that only a small car has been given rather than a big one. As a consequence of which, a matrimonial dispute arose leading to the filing of the complaint and registration of the case. However, during the course of investigation, the present petitioners were placed in column No. 2. It is during the course of trial, an application under Section 319 Cr.P.C. was moved by the complainant side on the statement of PW1 Taranjeet Kaur for summoning the present petitioners as additional accused. The Court of learned JMIC holding that on account of insufficient material on the record, the application stood dismissed.

Complainant Taranjeet Kaur filed criminal revision and the Court of learned Additional Sessions Judge (Exclusive Court for Heinous Crimes Against Women) Patiala through the impugned findings dated 06.12.2007, set-aside the orders of the learned trial Court and allowed the application under Section 319 Cr.P.C. the same is the subject matter of challenge in this criminal petition.

Upon hearing Mr. Rahul Sharma, learned counsel for the petitioners and on perusal of the records, it is well detailed in the FIR as to names of the petitioners, wherein, specific role has been attributed to each of the accused in the commission of the offence as has been detailed in the impugned findings and there is categorical element of specific entrustment to each of them, the articles of 'istridhan'. Furthermore, as is there, the complainant Taranjeet Kaur as PW1 has reiterated her allegations in ditto, wherein, too specific allegations against each of these persons have come about. The Court below while scanning the order of learned trial Court had arrived at a conclusion that the Court has erred in holding and drawing conclusion that only general allegations have come about against these persons and as such there is no evidence on record to warrant their summoning. The impugned order has placed reliance on **Hardeep Singh's case** (2014 (1) RCR (Criminal) 623 whereby the ambit of Section 319 Cr.P.C. has been discussed at length. The Court below has observed that evidence recorded at the trial reveals specific allegations showing prima facie and cogent involvement of the accused, who have sought to be arraigned as additional accused and guilt, if any, is a matter to be decided at the trial.

Learned counsel for the petitioners could not convince this Court how the order passed by the learned Additional Sessions Judge dated 6.12.2017 suffered from any apparent illegality

necessitating intervention by this Court. Apparently there appears to be none.

Finding no merits, dismissed in *limine*.

March 29, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No