

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

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CRR No.2629 of 2019 (O&M)

Date of decision : 14.10.2019.

Rajanbir Kaur

... Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 23.07.2019 whereby an application preferred by the petitioner under Section 319 Cr.P.C. for summoning the private respondents to face trial as additional accused has been dismissed.

Learned counsel for the petitioner contends that the private respondents had been specifically named in the FIR by the complainant. The complainant had also named them in her statement before the trial Court and therefore, they should have been summoned to face trial along with accused Kulwinder Singh.

Heard.

It is manifest that the petitioner is the mother of 46 days old boy, who is alleged to have been thrown by her brother-in-law, namely, Kulwinder Singh from the roof of the house. It is stated by the petitioner in the FIR that her son had been picked up by her brother-in-law and thrown from the roof of the house and he succumbed to the injuries. It is also stated by her that Kulwinder Singh had picked up her son who was sleeping on the cot and he

was thrown from the second floor of the house. She and her mother-in-law, namely, Manjit Kaur, who is respondent No.3, ran to the spot and picked the child and after making arrangement, the child was taken to a private hospital where he was declared dead. He was, later, taken to the Civil Hospital, Batala where the Doctor (Emergency) also declared the child dead. It is only in the later part of the FIR that it is stated that the respondents had threatened her not to lodge a complaint and they, in conspiracy with accused-Kulwinder Singh, had murdered the child. Respondent No.2 is the husband of the petitioner while respondents No.3 and 4 are the parents-in-law of the petitioner. The allegations in the FIR are primarily directed against the accused-Kulwinder Singh who is brother-in-law of the petitioner. Besides the statement of the petitioner, there does not seem to be any prima facie evidence to connect the private respondents with the commission of offence to warrant their summoning to face trial under Section 319 Cr.P.C. It is also difficult to believe that the private respondents who are father and grand parents of 46 days old boy will conspire to eliminate him. Accused, namely, Kulwinder Singh, who is brother-in-law of the petitioner is already facing trial.

Therefore, I do not find any manifest illegality in the order of the trial Court dismissing the application of the petitioner for summoning the private respondents as additional accused. Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

October 14, 2019

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Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes/No