

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

CRR-139-2020

Decided on : 17.01.2020

Sonia Dahiya @ Sonia

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Ms. Nupur Choudhary, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

Instant revision petition has been filed under Section 379 read with Section 401 Cr.P.C. for setting aside the impugned order dated 23.11.2019, passed by the Ld. Additional Sessions Judge, Sonapat (hereinafter referred to as 'trial Court') in case FIR No. 35, dated 06.04.2017, under Sections 306, 34 IPC, registered at Police Station GRP, Sonipat and Sections 323, 498-A IPC (added later on), whereby, the petitioner, who is the sister-in-law of the deceased was summoned under Section 319 Cr.P.C.

The case in brief is that on 04.04.2017, the deceased Meenu along with her two children namely Vanshika and Shaurya were found dead on the railway track, having been run over by a train. On the next day i.e. on 05th April, 2017, the father of the deceased Meenu got a statement recorded Annexure P-3, wherein, he stated that he suspected that his daughter Meenu had committed suicide and he would give his statement later on. On 06th April, 2017, the complainant Rajinder Singh got his statement recorded before the police, wherein, he levelled allegations against the petitioner herein as well as other members of the family of his

deceased daughter, wherein, he stated that she had been subjected to continuous mental and physical harassment and torture on account of dowry and she being fed up with the ill-treatment meted out to her had committed suicide.

An FIR No. 35, dated 06.04.2017, under Sections 498-A, 323, 306, 34 IPC, was registered at Police Station GRP, Sonapat, against the accused persons namely Vikram, Ajay and Kamla, respectively. However, the petitioner was found innocent and placed in Column No.2 of the challan. During trial, at the time of his cross-examination prosecution witness Manoj Kumar, who stepped into the witnesses-box as PW-1, brother of the deceased Meenu deposed in the following terms:-

“That my sister was married to the accused Vikram on 24.02.2008 as per Hindu rites and custom. That after some time of marriage, the in-laws of the deceased Meenu namely Karambir (father-in-law), Kamla (mother-in-law), Ajay (Devar), Soniya (Nanad) and Vikram (Husband) started harassing and beating Meenu for demand of dowry. In this regard, many Panchayats were convened and money was also given to the accused person many times. On 31.03.2017, the complainant Rajender Singh retired from the police department and on that occasion my deceased sister Meenu along with her children visited our house. Accused Ajay along with his parents had also come but left after 30 minutes. After the said function, my sister told me that her husband, accused Vikram had to give loan to some persons for which she required Rs. 5 lacs. Then, on 04.04.2017, at

about 6.30 pm, a call was made by my sister through her telephone bearing sim no. 8396065616 on my mobile bearing sim No. 8901029506 and she told that Vikram had consumed liquor, her mother-in-law, her sister-in-law Sonia, her brother-in-law Ajay and her father-in-law Karambir were giving beatings to her for not bringing Rs. 5 lacs from my father as per their demand and they had made her life miserable. Accused Vikram asked my sister Meenu that she and her children were not required at their home and asked her to commit suicide. Thereafter, he received a telephone call on 05.04.2017 at about 6.33 am from the mother-in-law of his sister from her mobile no. 9813173641 on his telephone who disclosed him that his sister Meenu along with two minor children namely Vanshika (7 years) and Shourya (4 years) were missing from last evening; and when the search was conducted, the dead body of all the three were found on the railway track in the area of Sonapat. Thus, Accused Karambir (father-in-law), Kamla (mother-in-law), Ajay (devar), Sonia (Nanand) and Vikram (husband) had abetted Meenu to commit suicide along with her children for not fulfilling their demand of dowry.”

A perusal of the aforesaid reveals that Manoj Kumar reiterated the allegations, which were levelled against all the accused including the petitioner herein, in the FIR registered at the instance of the complainant. It was in this background that an application under Section 319 Cr.P.C. was moved for summoning the petitioner as an additional accused.

The trial Court allowed the said application by holding that there were specific allegations of abetment against the proposed accused i.e. the petitioner.

I have heard learned counsel for the petitioner and have gone through the impugned order.

On a perusal of the impugned order and the other material on record, there cannot be any dispute that there exists sufficient material before the trial Court warranting the summoning of the petitioner as an additional accused, whose name along with her role was mentioned in the FIR as well. I am unable to agree with the submission of the learned counsel that there were only vague allegations levelled against her and hence her being summoned under Section 319 Cr.P.C. deserved to be set aside. It is only during the course of the trial, that evidence against the petitioner will be tested.

I do not find any impropriety or illegality, which would warrant interference by this Court in its revisional jurisdiction. The trial Court has passed the impugned order dated 23.11.2019 on sound legal grounds.

Consequently, the present revision petition stands dismissed. It is, however, made clear that anything observed hereinabove shall not be taken as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 17, 2020

J.Ram

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