

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

CRR-299-2020
Decided on :03.02.2020

Karambir

..... Petitioner

Versus

State of Haryana & anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Nupur Choudhary, Advocate
for the petitioner.

Manjari Nehru Kaul, J.

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 Addl. Sessions Judge, Sonapat (hereinafter referred to as 'trial Court') in case FIR No. 35, dated 06.04.2017, under Sections 306, 34 IPC (Sections 323 and 498-A IPC added later on) registered at Police Station GRP, Sonipat whereby, the petitioner, who is the father-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 05.04.2017, the father of the deceased Meenu got a statement Ex.P-3 recorded to the effect that he suspected that his daughter Meenu had committed suicide and he would give his statement later on. On the next day i.e. 06.04.2017, 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 that they had been subjecting his deceased daughter to continuous mental and physical harassment and torture on account of dowry as a consequence of which she 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 witness 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 customs. That after some time of marriage, the in-laws of the deceased Meenu namely Karambir (father-in-law), Kamla (mother-in-law), Ajay (Devar), Sonia (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 his allegations 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 abatement 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 sufficient material existed before the trial Court warranting the summoning of the petitioner as an additional accused, whose name along with his role qua the maltreatment and harassment meted out to the deceased found mention in the FIR as well. The submission of the learned counsel that the allegations levelled against him were vague and his summoning as an additional accused under Section 319 Cr.P.C. deserved to be set aside is meritless. 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 in the impugned order, which would warrant interference of this Court in the exercise of its revisional jurisdiction.

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

03.02.2020

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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No