

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1013-2020(O&M)

Date of decision: 20.07.2020

Anupreet Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.B.S.Jatana, Advocate for the petitioner

Mr. Ajay Pal Singh Gill, DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

The petitioner herein challenges the order dated 3.3.2020 passed by the learned Sessions Judge, Mansa, dismissing an application under Section 319 Cr.P.C for summoning Gurjeet Singh, as an additional accused. The learned Trial Court while dismissing the application has recorded as under:-

“10. Bare perusal of FIR recorded on the basis of statement of prosecutrix would reveal that the only allegations levelled against Gurjeet Singh (sought to be summoned as additional accused) are that he knew about the relationship of prosecutrix with accused Gurpreet Singh, being his brother and he told prosecutrix that accused Gurpreet Singh is already

married having children and that her marriage with accused Gurpreet Singh is not possible. Considering the above-said allegations levelled by the prosecutrix as gospel truth, no offence under Section 120-B IPC is made out against Gurjeet Singh (sought to be summoned as an additional accused). Prosecutrix has further alleged that Gurjeet Singh used to threaten her on mobile phone. But it is relevant to mention here that prosecution has placed on record the call details of prosecutrix, which show her conversation with accused Gurpreet Singh only and there is no such conversation of prosecutrix with Gurjeet Singh, which could show that Gurjeet Singh ever threatened prosecutrix with dire consequences. Similar version has been stated by prosecutrix while appearing in witness box as PW1. It is relevant to mention here that prosecutrix is admittedly an adult and as per her own version, she was in live-in relationship with accused Gurpreet Singh, who later on refused to marry her. Merely because Gurjeet Singh, brother of accused Gurpreet Singh knew about their relationship and told prosecutrix that the marriage between them is not possible as his brother Gurpreet Singh is already married, does not make any offence against Gurjeet Singh (sought to be summoned as an additional

accused). There is nothing on the record to show that Gurjeet Singh (sought to be summoned as an additional accused) ever entered into a criminal conspiracy with accused Gurpreet Singh to commit the offence of rape with prosecutrix. Thus, this Court does not find any convincing material sufficient to attract the provisions of Section 319 Cr.P.C to summon Gurjeet Singh as an accused to face trial for offences under Sections 376, 506, 120-B IPC along with other co-accused Gurpreet Singh, who is already facing trial.”

Learned counsel for the petitioner contends that Gurjeet Singh, the additional accused sought to be summoned, was in the knowledge of the relationship between the petitioner and Gurpreet Singh and he never objected to their planned marriage. He has also drawn attention of the Court to the statement of the prosecutrix (Annexure P-2).

On careful reading of the aforesaid statement, it is apparent that Gurjeet Singh, additional accused, sought to be summoned, had informed the petitioner that Gurpreet Singh cannot marry her as he is already married.

Keeping in view the aforesaid facts, there is no merit in the present petition. Hence, dismissed.

20.7.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No