

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-85-2024 (O&M)

Date of Decision : 29.01.2024

Gurmeet Kaur

...Petitioner

VERSUS

State of Punjab and Others

...Respondents

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

:-

SUDEEPTI SHARMA, J. (Oral)

CRM-1952-2024

1. This is an application for condonation of delay of 147 days in filing the present revision petition.

2. For the reasons mentioned in the application, the same is allowed and delay of 147 days in filing the present revision petition is dismissed.

CRR-85-2024 (O&M)

1. In the present petition, the petitioner has impugned the order dated 20.05.2023 passed by the learned Additional Sessions Judge, Barnala, vide which his application under Section 319 of the Code of Criminal Procedure, 1973 (Cr.P.C) in FIR No. 68, dated 25.07.2022, registered under Section 306, 34 IPC at Police Station Tapa, has been dismissed.

2. Learned counsel for the petitioner contends that the persons mentioned in the application are father-in-law, brother-in-law and sister-in-law of the deceased and sufficient evidence has come on record to show that the said accused have also harassed the deceased – Amandeep Kaur and

therefore, the said persons should be summoned to face trial under Section 306 and 34 IPC. Learned counsel further contends that there are certain video recordings, which have been recorded by the deceased herself while she was undergoing treatment in the hospital, wherein the deceased named these persons specifically.

3. I have heard learned counsel for the petitioner and perused the impugned order. The relevant portion of the same is reproduced hereunder:-

“6. Now adverting to the facts of the present case, though, the complainant PWI Gurmeet Kaur while appearing as PWI has reiterated her version as mentioned in the statement made to the police and has stated that her daughter had committed suicide due to harassment given by her husband, father in law Buta Singh, brother in law Jagsir Singh and sister in law Rajvir Kaur but there are no specific allegation against the said Buta Singh, Jagsir Singh alias Jaggi and Rajvir Kaur either in the complaint or in the statement of the complainant recorded in the court. Moreover, the statement of PWI Gurmeet Kaur is reiteration of her earlier version, there is no new evidence of the complicity of person sought to be summoned. Further, from perusal of record, it reveals that the statement of deceased was recorded by the police in the hospital on 14.07.2022 after obtaining the opinion of the doctor about her fitness and the deceased Amandeep Kaur in the presence of her father got

recorded her statement wherein it was specifically mentioned by her that she has consumed some pesticide by mistake. She does not want to take any action against anyone. Moreover, earlier the deceased has not filed any complaint against the of person sought to be summoned now at any stage. Further, the said person found innocent during the enquiry conducted by DSP, Tapa.

The Court has to exercise the power under Section 319 Cr.P.C only if, the Court feels satisfied that there are sufficient grounds for summoning of the additional accused. In each and every case, the said power cannot be exercised merely on the basis of the statement made by the complainant. Otherwise, the evidence collected by the investigating agency would be of no value at all, hence, it would not be in the interest of justice to summon them as additional accused merely on the basis of the statement made by the complainant. At this stage, there is no evidence showing the complicity of said persons in this case and this court is of the considered view that no ground for summoning Buta Singh son of Joginder Singh, Jagsir Singh alias Jaggi son of Buta Singh, Rajvir Kaur wife of Jagsir Singh alias Jaggi as additional accused is made out. However, in case at any subsequent stage, the evidence showing the complicity of said persons in this case comes on record, the Court can

summon them. At this stage, no ground for summoning them, is made out and accordingly the instant application is dismissed.”

4. A perusal of the above shows that the order passed by the Court below is justified and reasonable as it has been observed in the order that in case at any subsequent stage, the evidence showing the complicity of the said persons in this case comes on record, the Court can summon them.
5. This Court does not find any perversity or infirmity in the impugned order dated 20.05.2023. Accordingly, the present petition is dismissed.
6. Pending applications, if any, also stand disposed off.

January 29, 2024
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No