

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR-1049-2017

Date of Decision: 01.04.2024

Trilochan Singh

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana,
for respondent No. 1-State.

NIDHI GUPTA, J. (ORAL)

Challenge in the present revision petition is to the order dated 02.02.2017, whereby the learned trial Court dismissed the application under Section 319 Cr.P.C. filed by the petitioner-complainant, for summoning respondents No. 2 to 5 herein as an additional accused to face trial in a case arising out of FIR No. 394 dated 09.05.2016, registered under Section 304-B IPC at Police Station City, Thanesar.

The aforesaid FIR was registered on the basis of complaint moved by the petitioner/complainant and the contents thereof, as mentioned in para 3 of the impugned order dated 02.02.2017, read as under:-

“3. A complaint Ex.PI was made by Trilochan Singh, against Sunny, Jai Bhagwan, Urmila, Satish and Poonam, residents of Krishna Nagar Gamri, Kurukshetra, to the effect that the marriage of his sister Saroj Bala was solemnized on 26.2.2016 with Sunny son of Jai Bhagwan, according to Hindu rites and ceremonies. Dowry articles

were given in the marriage more than their status but Sunny husband of his sister and his family members were not satisfied and they used to harass her and gave beatings to her. They used to demand motor cycle and Rs.50,000/-. His sister used to make telephone call to them and told about their demand. They were not having such capacity to fulfill their demand. His sister used to say that they can kill her or on account of their harassment she would die. On 7.5.2016, she made a phone call that members of her in-laws are giving beatings to her and asked them to bring her back, otherwise, they would kill her. They said that within one day or two days, they will bring her back. On 8.5.2016, at about 7.30 p.m. they received phone that Saroj Bala had hanged herself, on which, he, his mother and relatives, reached matrimonial house of his sister at Krishna Nagar Gamri, Kurukshetra, where they came to know that his sister was taken to Govt. Hospital by her in-laws. Then they reached Govt. Hospital, Kurukshetra, where his sister was found dead. There was no jewellery in nose, neck, ears and feet of his sister. Due to compulsion of non-fulfillment of dowry demand of her in-laws, she ended her life. He has also full suspicion that on account of non-meeting the illegal demands of he in-laws, they had killed her. He prayed that an action be taken against the in-laws of his sister.”

Perusal of the record shows that deceased/sister of the petitioner herein was married to Sunny son of respondents No. 2 and 3 and brother of respondents No. 4 and 5 on 26.02.2016 and she had committed suicide on 07.05.2016 i.e. within 03 months of the marriage. As per the postmortem report cause of death was strangulation.

Learned counsel for respondent No. 1-State has referred to para 2 of the reply dated 03.10.2018, filed by way of affidavit of Sh. Raj Singh, Deputy Superintendent of Police (Head Quarter), Kurukshetra, to submit that Sub Inspector Mahinder Singh, Investigating Officer, had joined the neighbours of respondents No. 2 to 5 in the investigation who have stated that respondents No. 2 to 5 have never harassed, humiliated or gave beatings to the deceased nor there was any demand of dowry made by them. It has further been stated moreover, on the date of

occurrence, respondent No. 5-Poonam, who is married sister-in-law (Nanad) of the deceased was in her matrimonial home. Accordingly, upon investigation, respondents No. 2 to 5 were found to be innocent and did not have any role to play in the death of deceased, therefore, they were exonerated.

The learned trial Court vide order impugned herein, while dismissing the application filed by the petitioner 319 Cr.P.C., in para Nos. 12 to 14 thereof, has observed as under:-

“12. So far as the involvement of other persons namely (I) Jai Bhagwan son Neki Ram, (II) Urmila wife of Jai Bhagwan, (III) Satish son of Jai Bhagwan and (IV) Poonam daughter of Jai Bhagwan sought to be summoned as accused in the present case, is concerned, there are general allegations against them. No specific instance of beatings, maltreatment or demand of cash etc. has been attributed to them by the complainant in any manner, while deposing before the court.

13. The perusal of complaint Ex.P1 as well as deposition of PW-1 Trilochan Singh and PW-2 Nirmal Kumar made before the Court, undoubtedly shows that allegations levelled against the persons, who are parents, brother and sister of Sunny, husband- accused are quite vague in nature. No specific role of any kind has been attributed to them. No overt act has been said to be committed on their part in the alleged crime. Moreover, the investigation of police cannot be lightly brushed aside.

14. This Court cannot loss sight of the fact that after the death of Saroj Bala, the relations between the complainant party and the accused party must have become sour and it has been experienced time and again that with the death of a woman, her parents try to involve every members of the family in order to teach them a lesson because the woman had died in the house of her in-laws. There is no direct evidence of the complicity of these persons in the incident, and it would not be proper to subject them to trial, just being the members of in- laws family of sister of complainant by invoking the provisions of section 319 of Cr.P.C.”

Moreover, perusal of the order sheets shows that the matter pertains to the year 2017 and for the last two dates of hearing i.e.

16.01.2020 and 23.08.2023, the petitioner had gone unrepresented. Today for the 3rd time, the petitioner had gone un-represented, despite the case having been called twice.

In view of the facts noticed here-in-above and the present revision petition, being meritless, is **dismissed**.

01.04.2024
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(NIDHI GUPTA)
JUDGE

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