

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-3384-2019

Decided on 02.05.2024

Dr. Gulab Singh

... Petitioner

VS.

State of Haryana & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Akashdeep Singh, Advocate for the petitioner
Mr. Chetan Sharma, DAG Haryana
Mr. Karan Pathak, Advocate for respondent No.2

Sandeep Moudgil, J.

(1). This criminal revision petition preferred by the petitioner under Section 401 CrPC is against the impugned order dated 30.11.2019 whereby he has been summoned by the trial court under Section 319 CrPC. The ground taken by the petitioner for setting aside the impugned order is that the trial court adopted an erroneous approach as it proceeded to allow the application filed by the prosecution under Section 319 CrPC stating that even if the petitioner was found to be innocent, he can be summoned relying upon the contents of the FIR wherein the name of the petitioner has been mentioned.

(2). As per the allegation, the marriage of Suman with the deceased Inderjit was performed on 16.01.2017 and they started residing happily at Dharuhera, District Gurugram. He started doing dairy business and was under constant pressure to earn money and to repay the loan which his parents had taken. On 28.12.2017, Suman accompanied by her husband Inderjit had gone back to Dharuhera i.e. the place where Inderjit had been working. There had been matrimonial discord between the Suman with her husband Inderjit and family members.

(3). Astonishingly, in the reply filed by the official respondents in **CRM-M-13875-2019 (Suman and Others vs. State of Haryana & Anr.)**, it has cropped up that the petitioner took the deceased Inderjit in his car to Panipat, made him drink alcohol, tortured him and is also alleged to have done some 'illegal act' with Inderjit due to which he remained more tensed. However, the said Gulab Singh has been found to be innocent as no incriminatory evidence against him was found. Notwithstanding that, the trial court summoned the petitioner on the assumption that the petitioner has been specifically named in the FIR and the statement of complainant and as such, he duly participated in the commission of crime.

(4). This Court in the above-referred connected petition CRM-M-13875-2019 filed by Suman and her family members, who is wife of the deceased Inderjeet, has quashed the FIR No.9 dated 06.01.2018 wherein the petitioner herein has been summoned by the trial court. Since the FIR itself has been found to be erroneous and ill-founded coupled with the fact that the petitioner has been found to be innocent as is evident from the averments made by the reply/affidavit filed by the official respondents in the above-mentioned connected petition, this is no rhyme or reason to continue with the present proceedings against the petitioner.

(5). Accordingly, this petition is allowed and the impugned order dated 30.11.2019 summoning the petitioner under Section 319 CrPC is quashed.

02.05.2024

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No