



CRR-1089-2025

-1-

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

CRR-1089-2025

Decided on : 28.04.2025

Ganam

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rohit Verma, Advocate for
Mr. Shubham Sharda, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Petitioner has approached this Court by way of filing the present revision petition impugning the order dated 03.03.2025 passed by learned Additional Sessions Judge, Karnal, vide which application under Section 319 Cr.P.C. filed by the petitioner for summoning respondents No.2 to 10, was dismissed.

2. Succinctly, facts of the case are that FIR in the present case was lodged on the statement of the complainant, Kalawati. It was alleged that her daughter Ganam was married with Upender about six years ago and they were blessed with one male child. However, in-laws of her daughter started harassing her and on account of the same there remains dispute. On 24.03.2022 at about 4:00 p.m., the complainant received a phone call that her daughter was beaten by her sister-in-law and mother-in-law. On hearing, the complainant side reached the village where her daughter was married, however, when they reached near Nilokheri Gurudawara, they found a car parked in which her daughter was lying unconscious. They shifted their daughter to the hospital and thereafter, they reached her matrimonial home,



however, her son-in-law Upender Singh, his sister Anju, mother Bala, uncle Rajbir and Kala Kasyap, Devender and one other boy alongwith 10-15 other unknown persons started beating them. They received injuries and thus, request was made to take legal action against the accused. On the registration of the FIR, the investigation commenced. The Investigating Agency completed the investigation and filed the challan against Bir Singh son of Mangal Singh, Rajbir Singh son of Mangal Singh, Bala Devi wife of Bir Singh and Upender Singh son of Bir Singh, however, Madan son of Banarasi Das, Gaurav son of Madan, Kanta wife of Ishwar, Narender son of Shispal, Ashutosh son of Dinesh, Devender son of Rajbir, Rishipal son of Banarasi Das, Anju wife of Sandeep Kumar, Rajender @ Kala son of Kehar Singh were not found to be involved in this case and thus, were declared innocent. On the presentation of the challan, charges were framed and learned trial Court proceeded with the examination of the prosecution witnesses. On the examination-in-chief of her daughter 'G' as PW-2, an application under Section 319 Cr.P.C. for summoning of the respondents to be tried along with other co-accused who were already facing trial, was filed. Learned trial Court on hearing both the sides found no merit in the application and, thus, declined the same vide impugned order dated 03.03.2025. Hence, aggrieved by the same, the petitioner has approached this Court by way of filing of the present revision petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner is the daughter of the complainant, who was married with accused Upender Singh. However, later on her in-laws started harassing her for demand of dowry. He submits that injuries were caused to the petitioner



and her family members by her in-laws. It is submitted that MLRs were also produced by the petitioner. It is further submitted that the investigating agency had not conducted a free and fair investigation and, thus, had erroneously kept the respondents in column No.2 of the challan, by illegally declaring them innocent. It is submitted that daughter of the petitioner appeared before the trial Court as PW-2 and in her examination-in-chief, she has specifically named the respondents, who had played an active role in the offence. PW1 complainant-petitioner has also deposed against the respondents. He submits that the petitioner had lodged FIR No.341, dated 14.05.2022, under Sections 323, 377, 406, 498A, 506 IPC, at Police Station Krishna Gate, Thanesar, wherein, she had named the respondents as accused but the trial Court has illegally ignored the same. It is submitted that the complainant, namely, Kalawati suffered three injuries in which injury No.2 was grievous in nature and Harjeet Singh suffered 8 injuries and, thus, injuries were attributed to the accused respondents. He relies upon the judgments of Hon'ble Supreme Court in **Omi @ Omkar Rathore and other v. State of Madhya Pradesh and another** SLP(Crl.) No.17781 of 2024 decided on 03.01.2025; **Sandeep Kumar v. State of Haryana and another** SLP (Crl) No.6537 of 2022 decided on 28.07.2023; and **Jitendra Nath Mishra v. State of U.P. and another** Crl.Appeal No.978 of 2022 decided on 02.06.2023. He, thus, submits that the view taken by the trial Court in dismissing the application is totally against the law settled and, hence, the impugned order deserves to be set aside.

4. Heard. From the arguments raised by counsel for the petitioner and perusing the record of the case, it is inferred that FIR in the present case



has been lodged on the statement of the mother of the petitioner. The dispute in the present case has taken place on account of matrimonial discord between the petitioner and her in-laws. On the basis of the allegations, the FIR was lodged. The same was investigated. On conclusion of the investigation, the challan was presented against four of the accused, whereas the respondents were declared innocent. The occurrence in the present case has taken place on 24.03.2022, whereas the statement of the petitioner was recorded on 14.05.2022. From the statement made by the petitioner and her mother, no specific role was found to be assigned to the respondents. In the FIR, they were not even named. Learned trial Court had dealt with the record of the case and found that on conclusion of the investigation, the respondents had been rightly declared to be innocent.

5. To understand the controversy in hand, statutory provisions of Section 319 Cr.P.C. is necessary to be considered, which is reproduced as under:-

“Section 319. Power to proceed against other persons appearing to be guilty of offence- (1) Where, in the course of any inquiry into, or trial of, an offence, it appears from the evidence that any person not being the accused has committed any offence for which such person could be tried together with the accused, the Court may proceed against such person for the offence which he appears to have committed.

(2) Where such person is not attending the Court, he may be arrested or summoned, as the circumstances of the case may require, for the purpose aforesaid.

(3) Any person attending the Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of the inquiry into, or trial of, the offence which he

- appears to have committed.
- (4) Where the Court proceeds against any person under subsection (1), then-
- (a) the proceedings in respect of such person shall be commenced a fresh, and the witnesses re- heard;
- (b) subject to the provisions of clause (a), the case may proceed as if such person had been an accused person when the Court took cognizance of the offence upon which the inquiry or trial was commenced.”

6. The Constitutional Bench of Hon'ble Supreme Court in Hardeep Singh vs. State of Punjab and others, (2014) 3 SCC 92 has held that power under Section 319 Cr.P.C. is discretionary and an extra ordinary power, which is to be exercised sparingly and in those cases where the circumstances so warrant. It should be exercised only where strong and cogent evidence occurs against a person and such power should not be exercised in a casual and cavalier manner. It has been further held that there is no scope by the Court under Section 319 Cr.P.C. to form any opinion as to the guilt of the accused. In the case in hand, no specific role has been assigned to the respondents and on conclusion of the investigation, they were declared innocent.

7. Weighing the facts and circumstances of the present case on the anvil of law settled by the Hon'ble Supreme Court, the Court finds no infirmity in the order dated 03.03.2025 passed by learned Additional Sessions Judge, Karnal. Hence, the present petition being devoid of any merit, is hereby dismissed.