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

CRR-2620-2017 (O&M)
Date of Decision:- 12.05.2025

SURJEET SINGHPetitioner

Vs.

STATE OF HARYANA & ORS. ...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. D.K. Tuteja, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Gaurav Mohunta, Advocate for respondent Nos.2 to 7.

AMARJOT BHATTI, J. (Oral)

1. Petitioner Surjeet Singh has filed present criminal revision against order dated 24.03.2017 passed by learned Additional Sessions Judge, Rohtak vide which application filed under Section 319 Cr.P.C. to summon respondent Nos.2 to 7 as additional accused in FIR No.658 (wrongly mentioned as 698) dated 24.12.2015 under Sections 498-A, 306, 34 IPC, Police Station Civil Lines, Rohtak has been dismissed.

2. As per facts of the case, initially FIR No.658 (*supra*) was registered under Section 365 IPC on the statement of Sandeep Saini, husband of the deceased victim who stated that on 24.12.2015 his wife Preeti



left the house at about 3 pm for going to Bazar and did not return home. Investigation was carried out by SI Pankaj. During investigation, it came into light that information was received from GRP, Police Station, Rohtak on 24.12.2015 regarding recovery of dead body of unknown lady who died by coming in front of train and her body was identified by Sandeep Saini. Thereafter, statement of Surjeet Saini, father of the victim was recorded and offence under Sections 498-A, 306 and 34 IPC were added. On completion of investigation, challan was presented against Sandeep Saini. After recording the statement of complainant as PW1, application was filed under Section 319 Cr.P.C. for summoning of additional accused. Said application was declined by learned Additional Sessions Judge, Rohtak by passing impugned order dated 24.03.2017. Feeling aggrieved of this order, present criminal revision has been filed.

3. Learned counsel for petitioner/complainant argued that respondent No.2 is the father, respondent No.3 is mother, respondent No.4 is brother, respondent No.5 is the unmarried sister, respondent No.6 is nephew and respondent No.7 is uncle of main accused Sandeep Saini. After 6 months of marriage, respondent Nos.2 to 5 and her husband started beating his daughter on account of demand of dowry. She was taunted and ill treated in the matrimonial home. Several panchayats were convened from time to time to settle the matter and requested the accused persons to mend their ways. There was no change in their behaviour. Out of this wedlock, deceased victim was having three children. Due to continuous maltreatment in the



matrimonial home deceased victim Preeti committed suicide by coming in front of train and despite specific allegations only husband of the deceased victim was challaned who is facing trial. Respondent Nos.2 to 7 were neither declared innocent nor were kept in column No.2 of the challan report. After recording of statement of the complainant/petitioner as PW-2 (Annexure P-1 and P-2) application was filed to summon additional accused. Even at that moment the facts and specific allegations were not considered by learned Additional Sessions Judge and declined the application by passing impugned order dated 24.03.2017. Learned trial Court while passing impugned order relied upon the judgment cited in **[Law Finder Doc Id # 514451] 2014 (1) R.C.R. (Criminal) 623 'Hardeep Singh Vs. State of Punjab and others'** but did not consider the parameters detailed therein for summoning of additional accused. In light of consistent specific allegations against private respondent Nos.2 to 7 they are liable to be summoned to face trial with main accused Sandeep Saini. It is submitted that impugned order dated 24.03.2017 may kindly be set aside by accepting present revision and the other co-accused may also be summoned.

4. Respondent No.1 filed status report confirming the factual position. In para No.4 of the status report it is submitted that application under Section 319 Cr.P.C. was rightly considered and rejected vide order dated 24.03.2017. It is submitted that there was no sufficient ground to summon the additional accused arrayed as respondent Nos.2 to 7.

5. Learned counsel representing respondent Nos.2 to 7 also



opposed present criminal revision taking the stand that facts of the present case were rightly appreciated by trial Court while deciding application under Sections 319 Cr.P.C. During investigation, it was found that respondent Nos.2 to 7 did not play any role in the said unfortunate death of the deceased victim. It was rightly considered while passing impugned order dated 24.03.2017 that main accused Sandeep Saini and his wife were separated from the joint family in December, 2014 and they had started living separately in a rented accommodation. Private respondents had no role to play in their matrimonial life. Therefore, revision preferred by petitioner deserves dismissal.

6. I have considered the arguments advanced before me. In the case in hand, after completion of investigation, challan (Annexure P-4) was presented against Sandeep Saini in FIR No.658 dated 24.12.2015 in which he is facing trial. As per facts of the case as referred above, initially report was lodged by husband Sandeep Saini that his wife had left the house on 24.12.2015 at about 3 pm without telling anybody and did not return home. Later-on, her dead body was recovered from the railway track which was duly identified by her husband Sandeep Saini. Father of the deceased victim Surjeet Singh gave his statement levelling allegations against husband and entire in-laws family for maltreatment of his daughter on account of demand of dowry as a result she committed suicide by coming in front of a train. Marriage of deceased victim took place with Sandeep Saini about 9 years ago and out of this wedlock they were having three children. Therefore, it



was a long marriage and as per facts narrated by Surjeet Saini father of the deceased victim there were frequent quarrels. Matter was compromised number of times as a result time and again she was sent back in the matrimonial home. I have gone through statement of complainant recorded in the Court (Annexure P-1) which further shows that main accused Sandeep Saini and his wife along with children were separated from the joint family and they started residing in a rented accommodation from December, 2014. Unfortunate occurrence took place on 24.12.2015. Therefore, couple was residing separate from the rest of the family of main accused Sandeep Saini for a considerable time period. Provision of Section 319 Cr.P.C runs 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 Sub-Section (1) then-*

(a) the proceedings in respect of such person shall be commenced afresh, and 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.

Therefore, during the proceedings of the trial application can be moved under Section 319 Cr.P.C. for summoning of additional accused. There is landmark judgment of Hon'ble Supreme Court of India cited in **[Law Finder Doc Id # 514451] 2014 (1) R.C.R. (Criminal) 623 'Hardeep Singh Vs. State of Punjab and others'** where broad principles were laid down for summoning of accused under the provision of Section 319 Cr.P.C. Counsel for petitioner has also relied upon judgment of **Hon'ble Supreme Court of India** in **Criminal Appeal No.549 of 2023 case titled as Juhru & Ors. Vs. Karim and Another** decided on 21.02.2023 where again it was elaborated that the power under Section 319 Cr.P.C is discretionary and extraordinary power. It has to be exercised sparingly and only in those cases where the circumstances of the case so warrant. Unlike criteria for framing of charges, here evidence must be stronger than prima facie case and short of satisfaction that the evidence if unrebutted would lead to conviction.

The principles laid down in the aforesaid judgments are to be applied to the facts and circumstances of the case. As referred above,



complainant alleged matrimonial dispute between his daughter i.e. the deceased victim and her husband Sandeep Saini and her entire in-laws family. Deceased victim was having three children out of this wedlock and on the fateful day she left the house and committed suicide by coming in front of the train. It cannot be ignored that deceased victim along with her husband and children was residing separately since December, 2014. No specific role is attributed to them in the commission of offence. In light of aforesaid factual position, it will not be appropriate to summon the other family members of the main accused who are arrayed as respondent Nos.2 to 7. Facts of the case and the surrounding circumstances were rightly appreciated by learned Additional Sessions Judge, Rohtak while disposing of the application under Section 319 Cr.P.C.

Therefore, I do not find any illegality or irregularity committed by the trial Court while dismissing application vide impugned order dated 24.03.2017. Consequentially, aforesaid order is upheld and the criminal revision filed by petitioner is accordingly dismissed.

Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

12.05.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No.
Whether reportable:	Yes/No