



CRM-M-59787-2024

-1-

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

122

CRM-M-59787-2024

Decided on:- 15.01.2025

Preeti

....Petitioner

Versus**State of Haryana and others**

....Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Kamlesh, Advocate for
Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

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AMARJOT BHATTI, J.(Oral)

1. Petitioner Preeti has filed petition under Section 528 of Bharatiya Nyaya Suraksha Sanhita, 2023 (for short 'BNSS') for setting aside impugned order dated 07.09.2024 (P-6) whereby application filed under Section 358 of BNSS for summoning of additional accused/respondents in FIR No. 114 dated 15.07.2021 under Section 323, 406, 498-A, 506 IPC registered at Police Station Women Police Station, Karnal has been wrongly dismissed by overlooking overwhelming evidence, specific allegations of cruelty and maltreatment alleged by petitioner.

2. As per the facts of case, present petitioner Preeti filed written complaint against her husband Sanjeet Ghodela, Baljeet Singh (father-in-law), Sushila (mother-in-law), Madhu Rani (sister-in-law), Seema Rani (sister-in-law), Amit Kumar (husband of Seema Rani) with allegations of



CRM-M-59787-2024

-2-

maltreatment and demand of dowry. As per the facts narrated in FIR No. 114 dated 15.07.2021 under Section 323, 406, 498-A, 506 IPC registered at Police Station Women, Karnal (Annexure P-1), marriage of Preeti and Sanjeet Ghodela was fixed with the intervention of relatives from both sides who were serving in Haryana Police. Engagement ceremony took place on 20.05.2018. *Tikka* ceremony took place on 12.12.2018 and marriage ceremony took place on 13.12.2018. Petitioner has given detail of ornaments and other articles given during aforesaid occasions. It is alleged that parents of complainant were compelled to give cash of Rs. 25 lakhs at the time of *Vidai* ceremony. Her husband was employed as Administrative Officer in Oriental Insurance Company Limited, Branch at Hanumangarh, Rajasthan. As per contents narrated in FIR, all accused taunted her for bringing less dowry. They were allegedly raising demand for various articles. It is further alleged that aforesaid accused persons instigated her husband to ill-treat her. She further alleged that regarding maltreatment, matter was brought to the notice of Mediator and matter was reconciled time and again. For sometime, she stayed alone with her husband at Jaipur. Even there, her husband started misbehaving with her on the instigation of his mother and sisters. During this period, she was taken back in matrimonial home time and again but there was no change in their behaviour. She gave birth to a male child, as a result, for some time their behaviour was good but they again started harassing and humiliating her. Ultimately, she was turned out of the matrimonial home on 04.07.2020. Efforts were made for reconciliation but it failed. During this period, her father met with an accident and ultimately succumbed to injuries on 22.04.2021. Nobody came from the side of her husband. Now, she is living



at the mercy of her widow mother and brother.

3. As per the facts of case, on completion of investigation, challan was presented in aforesaid FIR against husband Sanjeet Ghodela and his mother Sushila. Whereas, other accused were kept in column No. 2 of challan report under Section 173 Cr.P.C. (Annexure P-3). During pendency of challan in aforesaid FIR, petitioner filed application under Section 358 of BNSS for summoning of Baljeet Singh, Madhu Rani, Seema Rani, Amit (Annexure P-4). Reply to this application was filed by accused facing trial in this case (Annexure P-5).

After hearing arguments advanced by learned Assistant Public Prosecutor assisted by learned counsel for complainant as well as learned counsel representing accused, application filed for summoning of other accused was declined by passing detail order dated 07.09.2024 (Annexure P-6). Feeling aggrieved of this order, present petition has been filed.

4. Learned counsel for petitioner argued that as per contents of FIR, specific role is attributed to respondents No. 2 to 5 that they caused harassment and humiliated petitioner. They raised demand for dowry in the shape of gold items and interfered in her matrimonial life. All respondents instigated her husband, as a result, he ill-treated her time and again. Respondents No. 2 to 5 alongwith accused facing trial in this case humiliated her on account of bringing less dowry and used to claim that on this account, they have been insulted. Investigating Agency without any convincing reason did not challan respondents No. 2 to 5 despite specific allegations and they were kept in column No. 2 of challan report. Ultimately, present petitioner filed application under Section 358 of BNSS to summon respondents No. 2 to 5, which was again declined by passing



CRM-M-59787-2024

-4-

order dated 07.09.2024 (Annexure P-6). Impugned order passed by the trial Court is without proper appreciation of the facts and allegations raised against each and every private respondent. Therefore, impugned order dated 07.09.2024 (Annexure P-6) may kindly be set aside and they may be summoned to face trial alongwith main accused.

5. Learned counsel representing State of Haryana confirmed factual position. Matter was thoroughly investigated by Investigating Officer and thereafter, respondents No. 2 to 5 were kept in column No. 2 of challan report, finding them innocent. Even trial Court did not find merits in application filed by petitioner and same has been dismissed by passing impugned order dated 07.09.2024 (Annexure P-6).

6. I have considered the arguments advanced by learned counsel representing petitioner and learned counsel representing State of Haryana and have gone through the record annexed with present petition carefully. In this case, accused Sanjeet Ghodela – husband and Sushila – mother-in-law are facing trial. Whereas, respondents No. 2 to 5 were kept in column No. 2 of challan report. Present petitioner has filed detailed complaint narrating various incidents when she was allegedly harassed and ill-treated by entire in-laws family. Perusal of FIR indicates that she time and again alleged that her husband was instigated by other family members and thereafter, he ill-treated her all the more. She has also levelled allegations of demand of dowry raised by accused on account of which she was humiliated time and again.

It cannot be ignored that there are no specific incident of cruelty or harassment against Baljeet Singh – father-in-law. Whereas, Madhu Rani – respondent No. 3 is daughter and Seema Rani – respondent



CRM-M-59787-2024

-5-

No. 4 is married daughter of Baljeet Singh – respondent No. 2, who is residing separately alongwith her husband Amit – respondent No. 5. Therefore, by filing present complaint on the basis of which FIR has been registered, entire family of Sanjeet Ghodela has been roped in. The Investigating Agency considered the facts of case and investigation was carried out by them, thereafter presented challan against husband Sanjeet Ghodela and mother-in-law Sushila. It is matter of record that application under Section 358 of BNSS has been filed when statement of present petitioner/complainant has not been recorded. While disposing of application filed by petitioner, learned trial Court has rightly considered the provisions of Section 319 Cr.P.C. alongwith various judgments dealing with the ambit and scope of powers of Magistrate for summoning of additional accused under Section 319 Cr.P.C. Learned trial Court has relied upon landmark judgment of Constitution Bench in “**Hardeep Singh and Ors. vs. State of Punjab & Ors.**” (2014) 3 SCC 92, recent judgment of Apex Court in “**Sukhpal Singh Kahira vs. The State of Punjab**” (2023) 1 SCC 289 and another judgment of Apex Court in “**Juhru vs. Karim**” *Criminal Appeal No. 549 of 2023, decided on 21.02.2023*. Therefore, power to summon additional accused on application under Section 358 of BNSS/319 Cr.P.C. can be exercised if there is more than prima facie case against respondents to summon them to face trial. In the case in hand, it is rightly observed that allegations levelled against private respondents No. 2 to 5 are general in nature. Therefore, learned trial Court rightly did not find sufficient material on record to allow application under Section 358 of BNSS. Thus, I do not find any sufficient reason to interfere in impugned order dated 07.09.2024 (Annexure P-6) and same is accordingly upheld.



CRM-M-59787-2024

-6-

Resultantly, petition filed by petitioner under Section 528 of BNSS is accordingly, dismissed.

7. Aforesaid order will have no bearing on the merits of trial against main accused who are facing trial in FIR No. 114 dated 15.07.2021 (supra).

8. Pending application(s), if any, also stands disposed of accordingly.

15.01.2025

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(AMARJOT BHATTI)
JUDGE

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