



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

120

CRR-234-2022 (O&M)

Date of decision : 05.02.2026

Gurpreet Kaur

..... Petitioner

VERSUS

State of Punjab & Anr.

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Jasraj Singh, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG Punjab.

Mr. Kartik Gupta, Advocate for the respondent No.2.

SURYA PARTAP SINGH, J.

This Revision Petition has been preferred by the petitioner, who is aggrieved of the order dated 19.10.2021, passed by the Court of learned Additional Sessions Judge, hereinafter being referred to as 'trial Court' only.

2. In nut-shell, the facts emerging from record are that, that for the commission of offence punishable under Sections 306 and 34 of Indian Penal Code, vide FIR No.128 dated 11.08.2019, Police Station Bullowal, District Hoshiarpur, a trial is in progress in the Court of Sessions. During the course of abovementioned trial, the prosecution moved an application under Section 319 CrPC, whereby summoning of additional accused, namely Gurpreet Kaur, (petitioner herein) and Santokh Singh (now deceased) was sought. The abovementioned application has been allowed by the learned



trial Court, by virtue of order dated 19.10.2021, hereinafter being referred to as 'impugned order' only.

3. Aggrieved of the abovementioned order, this petition has been preferred on the ground that the learned trial Court failed to appreciate the factual matrix of the case as well as legal aspect involved in the instant case, and that by taking an erroneous view, a wrong conclusion has been drawn by the learned trial Court.

4. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Daljit Kumar', who had reported to the police that marriage of his brother, namely Pardeep Kumar, was solemnized with Parveen Kumari, and that Gurpreet Kaur @Neetu, petitioner herein, was a mediator in the abovementioned marriage. As per above-named complainant, Parveen Kumari had illicit relations with Santokh Singh, and when this fact came into the knowledge of complainant's brother Pardeep Kumar, he was very upset. The complainant further alleged that Pardeep Kumar had told him that he had asked Parveen Kumari to mend her conduct, but she refused. According to complainant, Pardeep Kumar also told that with regard to abovementioned conduct of Parveen Kumari, he had also approached the petitioner-Gurpreet Kaur, but the petitioner asked Pardeep Kumar either to take a divorce or go abroad for work, as he was less educated. It was further alleged by the complainant that in view of abovementioned depressing situation, his brother Pardeep Kumar was left with no option but to commit suicide, and he did so on 11.08.2019 at complainant's residence.



5. It is the case of the prosecution that in view of abovementioned information, formal FIR of this case was lodged and the investigation taken up. As per prosecution, during the course of investigation, the petitioner was found innocent, and therefore, no challan against her was filed in the Court.

6. The learned State Counsel has filed short reply to the petition. The same be taken on record.

7. Heard.

8. It has been contended by learned counsel for the petitioner that in the present case, an error of judgment has been committed by the learned trial Court when without proper appreciation of facts of the case and the relevant legal proposition, the learned trial Court summoned the petitioner as accused by invoking jurisdiction vested in the learned trial Court by virtue of Section 319 CrPC. According to learned counsel for the petitioner, firstly in the present case there is no suicide note, to support the prosecution case qua the involvement of petitioner in the commission of crime, and secondly this allegation of the complainant is false that the petitioner was a mediator in the marriage of deceased brother of complainant and Parveen Kumari.

9. In addition to above, the learned counsel for the petitioner has also contended that the allegations with regard to involvement of petitioner in the commission of crime have been leveled by the complainant without any basis, and that the abovementioned allegations were duly probed by the Investigating Agency, and found to be false. As per learned counsel for the petitioner, once the abovementioned allegations were found to be false, merely on repetition of abovementioned allegations by the witness in the



witness-box, no case for summoning of petitioner as an additional accused is made out. As per learned counsel for the petitioner, the learned trial Court has committed an error of judgment when it failed to appreciate that there was no additional material available on record to show the involvement of petitioner in the commission of crime.

10. Moreover, the learned counsel for the petitioner has also contended that otherwise also if the factual matrix of the instant case is taken into consideration, it transpires that the only role attributed to the petitioner is that she had suggested the deceased that being less educated either he should seek divorce from his wife Parveen Kumari, or go abroad, where he was working earlier.

11. As per learned counsel for the petitioner, there is no allegation against the petitioner that she had by words or action instigated, provoked or abetted the commission of suicide. According to learned counsel for the petitioner, in view of above even if the allegations contained in the testimony of complainant are accepted on their face value, any ground for constitution of offence under Section 306 of IPC is not made out against the petitioner. In support of his arguments, the learned counsel for the petitioner has referred to the principles of law laid down by the Hon'ble Supreme Court of India in the cases of 'Hardeep Singh V/s State of Punjab' 2014(1) RCR (Criminal) 623, 'Yadwinder Singh V/s Lakhi @Lakhwinder Singh' 2025(2) RCR (Criminal) 426, 'Hetram @Babli V/s State of Rajasthan' 2025(2) RCR (Criminal) 18, 'Ramesh Chandra Srivastava V/s State of U.P.' 2021(4) RCR (Criminal) 219, 'Laxmi Das V/s State of West Bengal' 2025 AIR Supreme Court 608, 'Gurcharan Singh V/s State of Punjab' Criminal



Appeal No.40 of 2011, ‘M. Mohan V/s State Tr. Dy. Supdt. of Police’ 2011(2) RCR (Criminal) 272, ‘Gurcharan Singh V/s State of Punjab’ 2017(1) RCR (Criminal) 118, ‘Mariano Anto Bruno V/s Inspector of Police’ 2022 AIR(SC) 4994 and by this Court in ‘Shunti @Raja V/s State of Haryana’ 2008(2) RCR (Criminal) 865, and ‘State of Punjab V/s Kamaljit Kaur @Bholi’ 2008(2) RCR (Criminal) 562.

12. The learned State Counsel, being assisted by learned counsel for the respondent No.2, has controverted the abovementioned arguments. It has been contended by learned counsel for the respondent No.2 that in the present case, there is a very consistent stand of the complainant right from the very beginning that non-cooperative attitude of the petitioner was one of the main reason behind the commission of suicide by the deceased Pardeep Kumar. According to learned counsel for the respondent No.2, at this stage when a discretion vested by virtue of Section 319 CrPC has been exercised by the learned trial Court on the basis of *prima facie* evidence available on record, there is no scope for indulgence or interference of revisional jurisdiction of this Court in the impugned order.

13. In addition to above, the learned counsel for the respondent No.2 has also contended that the law with regard to circumstances, wherein the jurisdiction under Section 319 CrPC can be exercised, is well-settled. According to learned counsel for the respondent No.2, the law permits that the sole testimony of one witness if good enough to inspire confidence, is sufficient to invoke jurisdiction under Section 319 CrPC. While referring to the observations made by this Court in the case of ‘Mohit Kharab V/s State of Haryana & Anr.’ 2020(1) RCR (Criminal) 1005, the learned counsel for



the respondent No.2 has contended that irrespective of the fact that the same facts, which have been deposed by the complainant in the Court, were narrated by the police and the police did not believe the same, it cannot be said that by relying upon the testimony on oath of complainant containing similar facts and exercising jurisdiction under Section 319 CrPC any error has been committed by the trial Court.

14. The record has been perused carefully.

15. With regard to the situations, wherein a Court can exercise jurisdiction vested under Section 319 CrPC, the Hon'ble Supreme Court of India in the case of Hardeep Singh (*supra*) has observed that 'the degree of satisfaction that will be required for summoning a person under Section 319 CrPC would be the same as for framing of charge – The difference in the degree of satisfaction for summoning the original accused and a subsequent accused is on account of the fact that the trial may have already commenced against the original accused and it is the course of such trial that materials are disclosed against the newly summoned accused'.

16. In the case of 'Shiv Baran V/s State of U.P. & Anr.' Criminal Appeal No.3008 of 2025, the Hon'ble Supreme Court of India has observed that 'power to summon additional accused during the trial must be exercised cautiously, based on strong and cogent evidence, but should not be withheld when *prima facie* evidence indicates the complicity of an individual not already facing trial'.

17. Similarly in the case of Yadwinder Singh (*supra*), the Hon'ble Supreme Court of India has observed that the discretion vested in a Court



under Section 319 CrPC must be exercised sparingly and with stronger evidence than mere probability of complicity.

18. In the case of Hetram @Babli (*supra*), the Hon'ble Supreme Court of India has ruled that before summoning of additional accused, the Court must be satisfied that the evidence is more than *prima facie* and would lead to conviction if uncontroverted. The Hon'ble Supreme Court of India in the abovementioned case has further observed that if such satisfaction cannot be recorded, the Court should refrain from exercising power under Section 319 CrPC.

19. Here it is also pertinent to mention that in the present case, one of the controversies is as to whether on the basis of act attributed to the petitioner, an offence for abetment to commit suicide is made out or not. In this regard, the Hon'ble Supreme Court of India in the case of 'Laxmi Das' (*supra*) has observed that a remark such as asking the deceased to not be alive if she cannot live without marrying her lover will not gain the status of abetment. Almost similar is the situation in the case in hand.

20. In the case of 'Amalendu Pal @Jhantu V/s State of West Bengal' 2010(1) SCC 707, the Hon'ble Supreme Court of India has observed that 'in order to bring a case within the purview of Section 306 IPC there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the



person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC’.

21. Similar situation has been dealt with by this Court in the case of Shunti @Raja (*supra*), wherein it has been observed that if the wife is not living chaste life in accordance with expectations of her husband, and if the husband committing suicide, the wife cannot be held guilty for abetment of suicide.

22. Similarly in the case of ‘State of Punjab V/s Kamaljit Kaur @Bholi & Anr.’ 2008(2) RCR (Criminal) 562, it has been observed by this Court that conduct of any spouse, if is not up to the expectations of other spouse, and result into commission of suicide by another, abetment of suicide cannot be imputed to the other spouse.

23. In the case of Mariano Anto Bruno (*supra*), the Hon’ble Supreme Court of India has observed that if there are allegations of harassment without there being any positive action proximate to time of occurrence on the part of accused, a case for abetment to commit suicide is not made out.

24. If the facts and circumstances of the present case are analyzed in the light of abovementioned principles of law, it transpires that the role attributed to the petitioner, that she simply asked the deceased either to seek divorce from his wife or go abroad as he was less educated, does not lead to a conclusion that the petitioner by her abovesaid act had prompted the deceased to commit suicide. The abovesaid words of the petitioner



did not create a situation for the deceased, wherein he was left with no option but to commit suicide.

25. In fact, the abovementioned act of the petitioner is far from being proximate to the reason behind the commission of crime, and therefore, in view of the principles of law laid down in the abovementioned cases, the petitioner cannot be held to be responsible even *prima facie* for the suicide of the brother of complainant.

26. In addition to above, as already discussed above, except the sole testimony of complainant, who was simply referring the information given by his brother in itself is not a creditworthy piece of evidence to prove that there was any kind of abetment to commit suicide. In fact the abovesaid evidence even if it stands unrebutted, is not good enough to bring home guilt of the petitioner.

27. Taking into consideration the cumulative effect of abovementioned observations, it is hereby held that the learned trial Court has committed an error of judgment while without proper appreciation of legal proposition involved in the present case, and also the factual matrix of this case, it has drawn a conclusion that there was sufficient ground to summon the petitioner as an additional accused.

28. In view of abovementioned observations, it is hereby held that the impugned order being erroneous, needs indulgence and interference of revisional jurisdiction of this Court.



29. As a sequel to abovementioned observations, it is hereby held that the present petition deserves to be allowed. Hence, the same is hereby *allowed* and the impugned order is hereby set aside.

30. Pending miscellaneous application(s), if any, shall also stand disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

05.02.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No