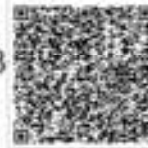


2026:PHHC:063443



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

202 (two cases)

CRR 742 of 2020 (O&M)
Date of Decision: 16.04.2026

Simranjit Kaur

...Petitioner (s)

Vs.

State of Punjab and another

...Respondent(s)

CRR 783 of 2021 (O&M)

Jatinder Pal Singh

...Petitioner (s)

Vs.

State of Punjab and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Jaswinder Singh Grewal, Advocate for the petitioner
in both the petitions.

Mr. Bhanu Pratap Singh, Addl. A.G., Punjab.

Mr. S.S. Sarwara, Advocate
for respondent No.2 in both the petitions.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose of two petitions, i.e. CRR 742 of 2020 titled as "*Simranjit Kaur versus State of Punjab and another*" and CRR 783 of 2021 titled as "*Jatinder Pal Singh versus State of Punjab and another*". Both the petitioners have assailed the impugned order dated 21.11.2019 passed by the Court of Judge, Special Court, Rupnagar, whereby, they have been summoned under Section 319

Cr.P.C. to face trial along with Gurinder Pal Singh, the main accused in the present case.

2. Learned counsel for the petitioners has vehemently argued that the FIR in the present case was registered on the basis of the statement made by respondent No.2/complainant, who is a married lady, aged about 35 years. She lodged the FIR on 29.07.2017 with regard to the alleged incidence with effect from 1996 onwards and tried to implicate the whole family without any justification. The FIR which was got registered by the respondent No.2/complainant reads as follows:-

““To Senior Superintendent of Police, Rupnagar Sub:- For registration of case against Gurinder Pal Singh belt No.1086/R son of Late S. Raghvir Singh, Simarjit Kaur wife of Gurinder Pal Singh, Hardev Kaur wife of Late S. Raghvir Singh, Jatinder Pal Singh son of Late Raghvir Singh, all residents of H.No. 54, Street No. 10, Malhotra Colony, Rupnagar Rupnagar, for committing rape on the promise of marriage and also keeping the applicant in the legal confinement and giving beatings to the applicant. Sir, It is respectfully submitted as under:

1. That the applicant is working in Punjab National Bank Rupnagar. The applicant along-with her family was tenant of above said accused persons. The applicant was having talking terms with accused Gurinder Pal Singh being tenant.

2. That the accused Gurinder Pal Singh started to pressurize the applicant for friendship but the applicant flatly said to the accused Gurinder Pal Singh that she will accept his offer if he will solemnize marriage with the applicant and that time the accused Gurinder Pal Singh assured the applicant that he will perform marriage at right

time. The accused Gurinder Pal Singh started to make physical relation with the applicant.

3. That in the year 2000, the applicant along with her parents shifted to some other accommodation and accused Gurinder Pal Singh continuously made physical relation with the applicant on the pretext of marriage. In the year 2001/2002, accused Gurinder Pal Singh performed his marriage with the accused Simranjit Kaur, and when the applicant came to know regarding the marriage then she raised the objection and then the accused Gurinder Pal Singh told to the applicant that his marriage has been solemnized with accused Simranjit Kaur against his wishes. Accused Gurinder Pal Singh also promised to the applicant that he will take divorce from accused Simranjit Kaur as soon as possible.

4. That in this way the accused Gurinder Pal Singh kept on prolonging the promise of marriage on the pretext that he has filed divorce in the Court. In the year 2010, the applicant requested the accused Gurinder Pal Singh that 8 years has been passed but he has not taken the divorce. The applicant told to the accused that you have ruined the life of applicant and she will report the matter to the police. Accused Gurinderpal Singh said to the applicant that if she reported the matter to the police, then he will kill her parents.

5. That unfortunately the father of the applicant was expired in the year 2011 and mother expired in the year 2014. The accused Gurinder Pal Singh again promised with the applicant that her mother accused Hardev Kaur and brother Jatinder Pal Singh is ready for marriage and again the applicant believed on the accused. The accused Gurinder Pal Singh used to visit the house of the applicant and used to make physical relation with the applicant.

6. That on 02.06.2017 the accused Gurinder Pal Singh called the applicant to his house and when she reached their accused Simranjit Kaur and Hardev Kaur started to give beatings in the street and forcibly took the applicant in the house and where she was confined at midnight at about 1:00 AM. All the accused pressurized the applicant to sign on some documents in which it was written that there was never any relation between the applicant and accused Gurinderpal Singh and the applicant will never interfere in the life of accused Gurinderpal Singh. Accused Gurinderpal Singh has ruined the life of the applicant by making physical relation on the pretext of marriage. The applicant refused to sign the same. On this all the accused gave number of beatings to the applicant and threatened not to report the matter. Even at night one ASI namely Sukhwinder Singh also came and other accused pressurized the applicant to compromise the matter. Some how the life of the applicant was saved but on 03.06.2017 all the accused also visited the office of applicant and pressurized the compromise. All the accused are saying that accused Gurinderpal Singh is working in police and police will not take any action against them, rather they will implicate the applicant in false case. The accused Simranjit Kaur is also threatening the applicant that if she did not compromise the matter then she will commit suicide and whole of the life of the applicant will be ruined.

7. That the applicant is continuously receiving threats from the above said accused persons and life of applicant is not safe. It is therefore prayed that necessary action may kindly be taken against all the accused for committing rape on the promise of marriage and also keeping the applicant In the illegal confinement and giving beatings to the applicant and

the life of the applicant may kindly be safe from the hands of above said accused persons."

3. Learned counsel for the petitioners has vehemently argued that the main allegations were levelled against Gurinder Pal Singh, his brother Jatinder Pal Singh, petitioner and husband of Simranjit Kaur petitioner. In fact, even from the reading of the FIR, no specific role was attributed to both the petitioners. After concluding the investigation, it was found that the petitioners had no concern with the allegations levelled against Gurinder Pal Singh. Further, no injuries on the person of the alleged prosecutrix were found and even as per the report of chemical examiner (Annexure P-5), no spermatozoa was found on the vaginal swabs. Consequently, the *challan* was presented only against Gurinder Pal Singh and petitioners in both the petitions were found to be innocent. Learned counsel for the petitioners submits that during the course of trial, the respondent No.2/complainant appeared before the trial Court and made baseless allegations against both the petitioners. Even, it was alleged that from 1996 to 2011, Gurinder Pal Singh had promised the respondent No.2/complainant that he would marry her and had committed rape on the complainant. However, the FIR got registered by the respondent No. 2/complainant after a delay of 6 years from the alleged last incident and after 22 years from first alleged incident and there was no plausible explanation for the same. Not only that, it is unbelievable that Simranjit Kaur wife of main accused would join hands with her own husband in committing rape on respondent No. 2/complainant. Rather, being a married lady, she would never permit her husband to have physical relations with another lady. Similarly, Jatinder

Pal Singh, brother of the main accused, would also never join hands with his brother and had no concern with the main accused at all. Still the trial Court overlooked the peculiar facts of the present case and wrongly summoned the petitioners.

4. On the other hand, learned State counsel submits that during the course of investigation, both the petitioners were found to be innocent and they had no concern with the allegations in the present FIR.

5. Learned counsel appearing on behalf of respondent No. 2/complainant has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that both the petitioners had colluded with Gurinder Pal Singh, the main accused, and they had joined hands with the main accused in beating her up and they used to threaten her. Even, she was made to sign few documents only with a view to harass and humiliate her.

7. I have heard learned counsel for the parties and perused the record carefully.

8. At this stage, it requires to be mentioned that Gurinder Pal Singh, the main accused, had also filed a petition CRM M-38941 of 2024 titled as “*Gurinder Pal Singh Vs. State of Punjab and others*” and vide order of even date, the FIR and all consequential proceedings qua the main accused have been ordered to be quashed by passing a detailed judgment.

9. In the present case also, the trial Court clearly failed to appreciate that the power under Section 139 Cr.P.C. is a discretionary

power and has to be exercised only in exceptional cases. It should be exercised only when the trial Court forms an opinion that the other person is not arraigned as accused, may be held guilty of committing that offence. Apart from that, it also requires much stronger evidence than mere possibility of involvement of such accused and in absence of such satisfaction, the Court must restrain itself from exercising the powers under Section 319 Cr.P.C. However, if the facts of the present case are examined in the light of law settled by Hon'ble Supreme Court and High Courts in various decisions, this Court has no hesitation to hold that the trial Court had clearly overlooked the settled law. In fact, from the allegations levelled by the respondent No. 2/complainant, even the ingredients of the alleged offence were clearly missing. Rather, it was a case of consensual relationship between Gurinder Pal Singh, main accused, and the respondent No. 2/complainant. Even, there was no explanation for not reporting the matter to the police for several years when respondent No. 2/complainant was maintaining sexual and physical relationship with Gurinder Pal Singh, main accused. Apart from that, it is also apparent that Simranjit Kaur, petitioner, who is wife of Gurinder Pal Singh, would not permit her husband to have sexual relationship with another married lady, i.e., respondent No. 2/complainant. Even, Jatinder Pal Singh, brother of main accused, had no concern with the relationship of respondent No. 2/complainant with Gurinder Pal Singh. Apart from that, both the petitioners were found to be innocent during the course of investigation. Even, during the course of trial, the Court had only examined respondent No. 2/complainant,

who had reiterated her earlier statement which was found to be false qua the petitioners during the course of investigation. Except the statement of respondent No.2/complainant, there was no other evidence which suggested that even the petitioners could be involved in the crime in the present case. Consequently, the trial Court had wrongly exercised the power under Section 319 Cr.P.C. and the impugned order is unsustainable.

10. In view of above discussion, the present petitions succeed and the impugned order dated 21.11.2019 passed by the Court of Judge, Special Court, Rupnagar, is ordered to be quashed qua both the petitioners only.

11. All pending applications, if any, are disposed off, accordingly.

16.04.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No