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

CRM-M-16081-2024

Date of Decision:24.03.2026

Jaspal Singh

...Petitioner

Vs.

State of Punjab and Ors.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Abhinav Gupta, Advocate with
Mr. Jatinder Kumar Kansal, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Akashdeep Singh, Special Public Prosecutor for CBI.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 482 Cr.P.C r/w Section 397 Cr.P.C with a prayer to quash the order dated 04.01.2024 (Annexure P-10) passed by the Special Judge, CBI, S.A.S Nagar, Mohali, whereby, the petitioner has been summoned to face trial in a case arising out of FIR No.39, dated 23.02.2013, Police Station Kotwali, Patiala, under Sections 302 and 34 of IPC (Annexure P-1).

2. Learned counsel for the petitioner submits that the FIR in the present case was ordered to be registered against Jaspal Singh, petitioner, Harpreet Singh and Paramjeet Kaur on the basis of the complaint made by Amarjit Singh and the same has been reproduced below:-

“Statement of Amarjit Singh S/o Late Inder Singh R/o H.No. 612, Harinder Nagar, Sirhind Road, Patiala, aged around 60 years. Stated that I am resident of



the aforesaid address and have retired from Canara Bank, Patiala. Yesterday, on date 22.02.2013, at around 12:00 noon, my brother Tejinder Singh went with me to and meet my daughter Parampreet Kaur in her in-laws family. When we were about to come back from girl's house then our girl came to gate and told us that "papa take me away from here otherwise they will kill because father-in-law Jaspal Singh, mother-in-law Paramjit Kaur and husband Harpreet Singh alias Montu were asking for divorce from me". We tried to make her understand and came back to our house. Today morning at around 10:00 AM, somebody from near the house of my daughter from the mohalla called up my brother Tejinder Singh on telephone and informed him that the health of your girl Parampreet Kaur is not well and my brother informed the same to me on phone. I alongwith my brother Tejinder Singh reached the house of my daughter's in-laws where my daughter Parampreet Kaur was lying on bed and my daughter's father-in-law Jaspal Singh, her husband Harpreet Singh and mother-in-law Paramjit Kaur were standing near her. Jaspal Singh was saying that she is not being able to breathe. When we saw my daughter by going closer to her then she was found lying dead. When we were about to pick up her dead body then Jaspal Singh and Harpreet Singh scuffled with my brother Tejinder Singh and pushed me hard and removed my turban. On our shouting people gathered over there then we put inside the car dead body of Parampreet Kaur and took it to Rajindra Hospital, Patiala, Whereas Jaspal Singh had said that "I am Mayor of Patiala City. I will not let register any case. We found on coming here that there were strangulation marks on daughter's neck. That my daughter has been killed by her husband Harpreet Singh, father-in-law Jaspal Singh and mother-in-law Paramjit Kaur by strangulating her with



something. The reason of enmity is that the aforesaid three accused were harassing my daughter from the last around 4/5 years pressing her to give divorce. Legal action may be taken against them. I have got written my statement in the presence of my brother Tejinder Singh. It has been read, heard and found correct. Sd/- Amarjit Singh. The above statement has been got recorded in my presence which is correct. Sd/- Tejinder Singh”.

3. Learned counsel for the petitioner next contends that the investigation in the present case was handed over to a Special Investigation Team, which consisted of I.G.P (Crime), DIG Rupnagar Range and S.P Incharge Police Station, State Crime, SAS Nagar and after detailed investigation, it was found that the petitioner was not involved in the crime and was declared innocent. Ultimately, a final report under Section 173 Cr.P.C (Annexure P-2) was prepared. Amarjit Singh, complainant was dissatisfied with the investigation conducted by the local police and preferred a petition before this Court seeking transfer of investigation to C.B.I or any other independent Investigating Agency. The said petition i.e CRM-M-8533-2013 titled as **“Amarjit Singh Sodhi Vs.State of Punjab & Ors”** was allowed by this Court vide order dated 16.05.2014 (Annexure P-3) and the investigation was handed over to CBI.

4. Again, the C.B.I conducted the investigation and found that the petitioner was not present at or around the place of occurrence at the time of death of the deceased and had no concern with the incident. Rather, it was found to be a case of suicide by Parampreet Kaur, which was abetted by her husband Harpreet Singh and challan was presented only against accused



Harpreet Singh under Section 306 IPC. The detailed final report prepared by C.B.I was appended as (Annexure P-4). Now, two independent agencies i.e. S.I.T of Punjab Police as well as C.B.I had investigated the same FIR registered on same facts, the C.B.I has submitted its charge-sheet for trial under Section 306 IPC, whereas, the State police submitted its charge-sheet for trial under Section 302 IPC. Now, Special Judge, C.B.I has also passed an order dated 15.12.2021 (Annexure P-9) that two cases would be tried separately and evidence shall be recorded in both the cases separately. Now, after expiry of 11 years, the complainant moved an application under Section 319 Cr.P.C for summoning the petitioner as an additional accused, which was allowed by the Trial Court.

5. Learned counsel for the petitioner further submits that the complainant/respondent in the present case had improved his version at various stages of investigation and trial. As per the initial version in the F.I.R, the complainant stated that he and his brother reached at the place of occurrence and found that the deceased was lying on the bed and all the three accused i.e. the petitioner Jaspal Singh, Harpreet Singh and Paramjit Kaur were standing near her dead body. However, before moving application under Section 319 Cr.P.C, the complainant stated that he and his brother directly went to the bedroom of the deceased, where, they witnessed that the petitioner was gagging the mouth of the deceased and Paramjit Kaur was holding her legs, whereas, Harpreet Singh was throttling the neck of the deceased and all of them had murdered the deceased. This improvement was made by the complainant in his statement (Annexure P-11), solely with the oblique motive to falsely involved the petitioner in the crime, whereas, the S.I.T of Punjab Police as well as C.B.I



had clearly found that the petitioner was neither present at the place of occurrence nor he was around the said place. Even, as per the C.B.I investigation, it was a case of suicide and not the murder. Learned counsel further submits that even the version of the complainant with regard to the presence of the petitioner at the place of occurrence was disbelieved by C.B.I on the basis of scientific evidence collected by the Agency and the following findings were recorded:-

“Further analysis of the CDR of aforesaid 3 Airtel Mobile numbers of Jaspal Singh revealed that the location of these mobiles were under the tower located at #140-A, Dharampura Bazar, Patiala with Cell 1D 820 6402 (which covered #73/2, Toba Kashmirian, Patiala i.e. place of occurrence) upto 12:27 PM on 23.2 2013. Subsequently, when the next calls were made/received on these mobile numbers of Jaspal Singh from 12.28 PM to 1.10 PM on 23.2.2013, the location of these mobiles were found changing to Cell ID 820-6401 (covering TawakliMor), Cell ID 820-6771 and Cell ID 8206773 (covering Sheran Wala Gate area). Cell ID, 820-6221 and Cell ID 820-6223 (i.e. covering Bank Square area) and thereafter, Cell 1D 820-6681 (i.e covering Rajindra Hospital area). Thus, investigation reveals that accused Jaspal Singh was not in or around 73/2, Toba Kashmiriyan, at or around the time of death of Prampreet”.

6. Learned counsel further submits that even the C.B.I had disbelieved the version of the complainant regarding the manner, in which they claimed to learn about the occurrence. In fact, initially, it was stated that on 22.02.2013, they both had visited the house of the deceased, where the deceased



complained them about the harrasment at the hands of all three accused including the petitioner. At 10:00 A.M., on 23.02.2013, Tejinder Singh received a call from a neighbour of the deceased that she was not well. However, the complainant appeared as PW-1 and stated that at about 10/10:30 A.M on 23.02.2013, his brother had received an anonymous call on his phone that some quarrel was going on in the matrimonial house of his daughter Parampreet Kaur, since deceased and they both reached at the house. However, the C.B.I, again found that the complainant and his brother had not given the correct version about the occurrence and the following findings were recorded by CBI:-

As such, statement of Smt. Sarabjit Kaur, sister of Smt. Paramjit Kaur and the analysis of the CDRs of the mobile phones of the concerned persons has revealed that at 11.38 AM on 23.02.2013, Smt Paramjit Kaur had made a call to her sister Smt. Sarbjit Kaur over her mobile No. 98884-45706 intimating about Parampreet Kaur having taken the extreme step of hanging herself. On examination, Smt Sarbjit Kaur stated that at the time of receipt of call, she was at her shop M/s Wadi Cloth House located at Dharampura Bazar, Patiala. Thereafter, she left for the residence of Paramjit Kaur. On the way, she had telephonically informed her son Manpreet Singh Wadi about the said incident. During investigation, said Manpreet Singh Wadi admitted to have telephonically informed Shri Parminder Singh Wadi of Manimajra i.e. father in law of Amarpreet Kaur, younger daughter of Amarjit Singh Sodhi as well as Shri Jaswinder Singh Bedi of Patiala, brother in law and neighbour of Amarjit Singh Sodhi about the said incident. During investigation, both Parminder Singh Wadi and Jaswinder Singh Wadi have admitted to have received calls from Manpreet Singh Wadi.



Shri Jaswinder Singh Wadi further stated that on receipt of the said news from Manpreet Singh Wadi at about 12.00 noon, he had personally gone to the house of Amarjit Singh Sodhi and informed him about the said incident. Thereafter, he along with Amarjit Singh Sodhi had left for the house of Parampreet Kaur.

Similarly, Shri Parminder Singh Wadi stated during investigation that on receipt to the said news he had informed his daughter in law Amarpreet Kaur about the said incident.

It is worth mentioning here that the analysis of CDR of Amarjit Singh Sodhi's mobile further showed that at 12.00 Noon a call lasting 33 seconds was received by him from Mobile No 94170-02442 of Parminder Singh Wadi. At Manimajra, at 12.01 PM he received a call from Mobile No 98151-55565 of Harpreet Singh. When these calls were received the location of the mobile phone of Amarjit Singh Sodhi was under the tower located at 11-A, New Mehar Singh Colony, Patiala covering the residence of Amarjit Singh Sodhi. Thereafter, when at 12.03 PM, he received a call from his son Gurpreet Singh @ Sherry, the tower location found changed i.e. Bindal Auto, Sirhind Road, Patiala."

7. Even, the visit of the complainant and his brother at the house of deceased on 22.02.2013 as well as on the date of incident i.e. 23.02.2013 were found to be false and was disbelieved by C.B.I by observing as under in the final report:-

"Thus, the analysis of the CDR of the aforesaid mobile reveals that on 22.2.2013, the location of the said mobile of Tejinder Singh also never remained under the tower which covers the residence of deceased Parampreet



Kaur at #75/2, Toba Kashmirian, Patiala. The first time in these two days that the said mobile was found under the tower locates at #140-A, Dharampura Bazar, Patiala with Cell ID 820 6402 covering the house of the deceased was for the period from 12.09 PM to 12.25 PM on 23.02.13 i.e. after the death of Parampreet, during which period he had received/made calls as shown above. The said CDR further showed that at 12.09 PM on 23.2.2013, he had received a call from his brother Amarjit Singh Sodhi from his Mobile No. 98884-65297.

The above analysis indicates that Tejinder Singh had not gone to the house of his niece Parampreet Kaur at Toba Kasnimiryan on 22.2 2013. Further, he and his younger brother Amarjit Singh Sodhi were not together on 22.02.13 or even on 23 02.12 upto 12.09 PM on 23 2.2013 the time, when he had received a call from his brother Amarjit Singh Sodhi on his mobile on that day.

As such, statement of Smt. Sarabjit Kaur, sister of Smt. Paramjit Kaur and the analysis of the CDRs of the mobile phones of the concerned persons has revealed that at 11.38 AM on 23.2.2013, Smt Paramjit Kaur had made a call to her sister Smt. Sarbjit Kaur over her mobile No. 98884-45706 intimating about Parampreet Kaur having taken the extreme step of hanging herself. On examination, Smt. Sarbjit Kaur Stated that at the time of receipt of call, she was at her shop M/s Wadi Cloth House located at Dharampura Bazar, Patiala. Thereafter, she left for the residence of Paramjit Kaur. On the way, she had telephonically informed her son Manpreet Singh Wadi about the said incident. During investigation, 'said Manpreet Singh Wadi admitted to have telephonically informed Shri Parminder Singh Wadi of Manimaijra ie father in law of Amarpreet Kaur, younger daughter of Amarjit Singh Sodhi as well as Shri Jaswinder



Singh Bedi of Patiala, brother in law and neighbour of Amarjit Singh Sodhi about the said incident. During investigation, both Parminder Singh Wadi and Jaswinder Singh Wadi have admitted to have received calls from Manpreet Singh Wadi.

Shri Jaswinder Singh Wadi further stated that on receipt of the said news from Manpreet Singh Wadi at about 12.00 noon, he had personally gone to the house of Amarjit Singh Sodhi and informed him about the said incident. Thereafter, he along with Amarjit Singh Sodhi had left for the house of Parampreet Kaur."

As such, the analysis of relevant CDRs has revealed that neither Amarjit Singh Sodhi nor Tejinder Singh had visited the house of Parampreet Kaur at 73/2, Toba Kashmiriyan, Patiala on 22.2.2013. Similarly, no witness could be located during investigation who could claim that he had informed Tejinder Singh or Amarjit Singh Sodhi at about 10.00 AM on 23.02.2013 about Paramjit Kaur beinunwell. On the other hand, as seen in the analysis of the relevant CDRs as well as the statement of witnesses that It was Parminder Singh Wadi of Manimajra, who was the first to inform Amarjit Singh Sodhi at 12.00 noon on 23.2.2013 about the said incident followed by a call made by Harpreet Singh at 12.01 PM and the visit of Jaswinder Singh Wadi to the house of Amarjit Singh Sodhi nearby almost the same time."

8. Learned counsel further submits that even as per the admitted case of the prosecution, no overt act has been attributed to the petitioner and he was simply shown to be present at the place of occurrence. Even otherwise, during the course of investigation, it was found that the petitioner had no concern with Harpreet Singh and Paramjeet Kaur, co-accused and he had been wrongly



involved by wrongly showing him his father-in-law of the deceased. Rather, he was a family friend of the deceased and had no concern with the matrimonial life of the deceased in any manner.

9. Learned counsel further referred to the law laid down by the Hon'ble Supreme Court in the matter of "**Hardeep Singh Vs. State of Punjab**", **(2014) 3 SCC 92**", wherein, it has been held that there has to be more than a prima facie evidence to summon a person as an additional accused to face trial, while dealing with an application under Section 319 Cr.P.C. The relevant extract of the said judgment has been reproduced below:-

"57. Thus, the application of the provisions of Section 319 CrPC, at the stage of inquiry is to be understood in its correct perspective. The power under Section 319 CrPC can be exercised only on the basis of the evidence adduced before the court during a trial. So far as its application during the course of inquiry is concerned, it remains limited as referred to herein above, adding a person as an accused, whose name has been mentioned in Column 2 of the charge-sheet or any other person who might be an accomplice."

"105. Power under Section 319 Cr.PC is a discretionary and an extraordinary power. It is to be exercised sparingly and only in those cases where the circumstances of the case so warrant. It is not to be exercised because the Magistrate or the Sessions Judge is of the opinion that some other person may also be guilty of committing that offence. Only where strong and cogent evidence occurs against a person from the evidence led before the court that such power should be exercised and not in a casual and cavalier manner."

106. Thus, we hold that though only a prima facie case is to be established from the evidence led before the court, not necessarily tested on the anvil of cross-examination, it



requires much stronger evidence than mere probability of his complicity. The test that has to be applied is one which is more than prima facie case as exercised at the time of framing of charge, but short of satisfaction to an extent that the evidence, if goes unrebutted, would lead to conviction. In the absence of such satisfaction, the court should refrain from exercising power under Section 319 CrPC. In Section 319 CrPC the purpose of providing if 'it appears from the evidence that any person not being the accused has committed any offence' is clear from the words 'for which such person could be tried together with the accused. The words used are not 'for which such person could be convicted'. There is, therefore, no scope for the court acting under Section 319 CrPC to form any opinion as to the guilt of the accused."

10. On the other hand, learned State counsel as well as learned Special Public Prosecutor for C.B.I have submitted that the petitioner was found innocent during the investigation conducted by both the agencies. Rather, it was found that the petitioner, who is aged about 72 years is a family friend of Harpreet Singh and Paramjeet Kaur, both accused and was not the father-in-law of the deceased as claimed by the complainant side. Even, it was found that he was not present at the place of occurrence and was called later on at the spot. Even, during investigation, it was found that a love affair was going on between Harpreet Singh, accused and his employee Paramjit Kaur and the late night calls and talks between the two were enough to make Parampreet Kaur, deceased, very suspicious of there being an affair. Even, it was found that Parampreet Kaur had committed suicide and Harpreet Singh had abetted the suicide of Parampreet Kaur. Even, learned State counsel as well as learned Special Public



Prosecutor were not in a position to controvert the factual submissions made by learned counsel for the petitioner in the present case.

11. I have heard learned counsel for the parties and perused the record carefully; with their able assistance.

12. The Hon'ble Supreme Court has summarized the principles, which govern the disposal of an application under Section 319 Cr.P.C by the Courts in a judgment passed in "Omi @ Omkar Rathore & Anr. Vs.State of Madhya Pradesh & Anr., SLP (Crl.) No.(s) 17781 of 2024" and held as follows:-

"21.The principles of law as regards Section 319 of the Cr.P.C may be summarised as under:

"a. On a careful reading of Section 319 of the CrPC as well as the aforesaid two decisions, it becomes clear that the trial court has undoubted jurisdiction to add any person not being the accused before it to face the trial along with other accused persons, if the Court is satisfied at any stage of the proceedings on the evidence adduced that the persons who have not been arrayed as accused should face the trial. It is further evident that such person even though had initially been named in the F.I.R. as an accused, but not charge sheeted, can also be added to face the trial.

b. The trial court can take such a step to add such persons as accused only on the basis of evidence adduced before it and not on the basis of materials available in the chargesheet or the case diary, because such materials contained in the charge sheet or the case diary do not constitute evidence.

c. The power of the court under Section 319 of the CrPC is not controlled or governed by naming or not naming of the person concerned in the FIR. Nor the same is dependent upon submission of the chargesheet by the police against the



person concerned. As regards the contention that the phrase 'any person not being the accused' occurred in Section 319 excludes from its operation an accused who has been released by the police under Section 169 of the Code and has been shown in column No. 2 of the charge sheet, the contention has merely to be stated to be rejected. The said expression clearly covers any person who is not being tried already by the Court and the very purpose of enacting such a provision like Section 319(1) clearly shows that even persons who have been dropped by the police during investigation but against whom evidence showing their involvement in the offence comes before the Criminal Court are included in the said expression.

d. It would not be proper for the trial court to reject the application for addition of new accused by considering records of the Investigating Officer. When the evidence of complainant is found to be worthy of acceptance then the satisfaction of the Investigating Officer hardly matters. If satisfaction of Investigating Officer is to be treated as determinative then the purpose of Section 319 would be frustrated”.

13. Even, the Hon’ble Supreme Court in the matter of **Hardeep Singh** (**supra**) as well as all other subsequent judgments has held that the powers under Section 319 Cr.P.C envisages a discretionary power, which empowers the Court holding a trial to proceed against any persons not shown or mentioned as an accused if it appears from the evidence that such person had committed a crime for which he must be tried together with the accused, who were already arrayed as an accused, before the Trial Court. Even, the Court holding a trial and intending to exercise the power conferred by Section 319 Cr.P.C should not



act mechanically only on the ground that some evidence has come on record implicating the person, who is sought to be summoned by way of such application. Even, the Court has to record its satisfaction preceding the order thereunder that more than prima facie evidence had been found against such accused, who is sought to be summoned. Even, such power has to be exercised sparingly and not in a casual manner.

14. In the present case also, undoubtedly, the petitioner was initially named as an accused by the complainant, however, his role has already been investigated by a S.I.T headed by I.G (Crime), Punjab as well as by C.B.I. Both the investigating agencies have given different versions, in which the occurrence had allegedly taken place, but the unanimous view of both the agencies was that the petitioner had no concern with the matrimonial life of Harpreet Singh and Parampreet Kaur, deceased. Not only that, the petitioner was neither present in or around the place of occurrence, where the alleged incident had taken place. Further, it has been wrongly projected that the petitioner is the father-in-law of Parampreet Kaur, since deceased, whereas, he was a family friend and had no concern with the motive, which was alleged against the co-accused. Even, while appearing as PW-1, the complainant had reiterated the same set of allegations, which were already found to be incorrect during the course of investigation, on the basis of the statements recorded by IOs as well as on the basis of the scientific evidence collected by both the agencies. Even, no fresh material was placed on record by the prosecution, which could prove the complicity of the petitioner in the crime and it appears that the Trial Court had passed the impugned order in routine, while summoning the petitioner under Section 319 Cr.P.C. Even, the trial Court had



not recorded its satisfaction that there was strong and cogent evidence on record for exercising such extraordinary powers under Section 319 Cr.P.C.

15. Even, the Trial Court wrongly observed that it had been all along the case of the complainant Amarjit Singh that the petitioner along with his co-accused Paramjeet Kaur and Harpreet Singh had been harassing and pressurizing his deceased daughter to give divorce to Harpreet Singh, accused. However, the said observations has been made by the Trial Court by completely overlooking the material on record. In fact, the petitioner was not father-in-law of the deceased and had no concern with the matrimonial life of Parampreet Kaur, deceased and Harpreet Singh, main accused. Even, during the course of investigation, there was sufficient evidence to show that the petitioner was not even present at the place of occurrence.

16. Thus, the present petition is allowed by this Court and the impugned order dated 04.01.2024 (Annexure P-10) passed by the Special Judge, CBI, S.A.S Nagar, Mohali is ordered to be set aside.

24.03.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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