



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

(117)

**CRR-1127-2026 (O&M)
Date of Decision: 19.05.2026**

TRILOK CHAND

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Karan Pathak, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana

KIRTI SINGH, J. (ORAL)

1. The challenge in the present petition is to the impugned order dated 18.02.2026 passed by the learned Additional Sessions Judge, Yamuna Nagar (Exclusive Court for Heinous Crime against Women), whereby the learned trial Court has dismissed the application for summoning respondent Nos.2 to 8 as additional accused under Section 319 Cr.P.C.

2. Brief factual matrix of the present petition is that the instant FIR was registered on the statement of the father of the deceased, alleging therein that his daughter, whose marriage was solemnized with Ravinder in the year 2020, had been subjected to cruelty and harassment at the hands of her husband and in-laws, particularly on the pretext of dowry, compelling her to end her life. Investigation was carried out and the private respondents were declared innocent, and challan was presented only against the husband and mother-in-law of the deceased. During trial, the petitioner appeared before the learned trial Court as PW-1, wherein he reiterated the allegations earlier



made in the complaint as well as in his statement dated 03.04.2025. An application was thereafter moved seeking the summoning of private respondents as additional accused, which was dismissed by the trial Court on 18.02.2026. Aggrieved by the same, the present petition has been moved.

3. Learned counsel for the petitioner submits that the impugned order dated 18.02.2026 passed by the learned trial Court is based on the erroneous appreciation of facts and is against the settled principles of law for summoning of additional accused under Section 319 Cr.P.C. It has been stated that the private respondents had been particularly named in the FIR and specific roles were attributed to them, that they used to harass the deceased for demand of dowry, which led the deceased to commit suicide. However, despite the allegations being reiterated by the complainant (PW-1) on oath, the learned trial Court, by overlooking the same, dismissed the application filed before it, under Section 319 Cr.P.C. in a very mechanical manner.

4. Learned State counsel submits that the private respondents were initially declared innocent by the investigating agency. Thereafter allegations, against them were reiterated by the complainant in his testimony. An application was subsequently moved before the learned trial Court to summon the private respondents as additional accused, but the same was dismissed by way of the impugned order dated 18.02.2026. She also filed reply by way of affidavit of Deputy Superintendent of Police, Yamuna Nagar-II, on behalf of the State, which is taken on record.

5. Heard learned counsel and perused the judicial record.

6. Before proceeding further, it is pertinent to discuss the settle position of law with regard to summoning of additional accused. Discussing the



V/s State of Punjab, 2014 (3) SCC 92 has laid down that:

“105. Power under Section 319 Cr.P.C. 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 un rebutted, would lead to conviction. In the absence of such satisfaction, the Court should refrain from exercising power under Section 319 Cr.P.C. In Section 319 Cr.P.C. 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 Cr.P.C. to form any opinion as to the guilt of the accused.”

7. Similarly, the Hon’ble Supreme Court in **Brijendra Singh and Others Vs. State of Rajasthan, (2017) 7 SCC 706**, while summing up the ratio as laid down in **Hardeep Singh's case (supra)**, has held as under:

"Power under Section 319 Cr.P.C. can be exercised by the trial Court at any stage during the trial, i.e., before the conclusion of trial, to summon any person as an accused and face the trial in the ongoing case, once the trial Court finds that there is some 'ev-



idence' against such a person on the basis of which evidence it can be gathered that he appears to be guilty of offence. The 'evidence' herein means the material that is brought before the Court during trial. Insofar as the material/evidence collected by the IO at the stage of inquiry is concerned, it can be utilised for corroboration and to support the evidence recorded by the Court to invoke the power under Section 319 Cr.P.C. No doubt, such evidence that has surfaced in examination-in-chief, without cross examination of witnesses, can also be taken into consideration. However, since it is a discretionary power given to the Court under Section 319 Cr.P.C. and is also an extraordinary one, same has to be exercised sparingly and only in those cases where the circumstances of the case so warrants. The degree of satisfaction is more than the degree which is warranted at the time of framing of the charges against others in respect - of whom charge-sheet was filed. Only where strong and cogent evidence occurs against a person from the evidence led before the Court that such power should be exercised. It is not to be exercised in a casual or a cavalier manner. The prima-facie opinion which is to be formed requires stronger evidence than mere probability of his complicity."

8. Hon'ble the Supreme Court later in 2019, relying on **Hardeep Singh (supra)**, held in **Periyasami and Others Vs. S.Nallasamy (2019) SCC Online SC 379** that:

"The additional accused cannot be summoned under Section 319 of the Code in casual and cavalier manner in the absence of strong and cogent evidence. Under Section 319 of the Code additional accused can be summoned only if there is more than prima facie case as is required at the time of framing of charge but which is less than the satisfaction required at the time of conclusion of the trial convicting the accused."

9. Recently the Hon'ble Supreme Court in case of **Juhru & Ors. Versus Karim & Anr. 2023 AIR (Supreme Court) 1160**, observing the scope of



“It is, thus, manifested from a conjoint reading of the cited decisions that power of summoning under Section 319 Cr.P.C. is not to be exercised routinely and the existence of more than a prima-facie case is sine quo non to summon an additional accused. We may hasten to add that with a view to prevent the frequent misuse of power to summon additional accused under Section 319 Cr.P.C., and in conformity with the binding judicial dictums referred to above, the procedural safeguard can be that ordinarily the summoning of a person at the very threshold of the trial may be discouraged and the trial Court must evaluate the evidence against the persons sought to be summoned and then adjudge whether such material is, more or less, carry the same weightage and value as has been testified against those who are already facing trial. In the absence of any credible evidence, the power under Section 319 Cr.P.C. ought not to be invoked.”

10. The principles of law with reference to exercise of jurisdiction under 319 Cr.P.C. are well settled. As has been opined in a plethora of judgments, it is clear that the objective to invoke the powers under Section 319 Cr.P.C., is to not allow the real perpetrators of an offence to get away unpunished. However, a proposed accused cannot be summoned to face trial under Section 319 Cr.P.C. in a mechanical manner, without due appreciation of the facts of the case and the material on record. The litmus test of more than a *prima facie* case must be adhered to in letter and spirit.

11. Reverting to the case in hand, the proposed accused are admittedly relatives of the husband of the deceased, i.e. the brother and sister in law, as well as the married sisters and their children, all of whom were residing separately from the matrimonial home of the deceased. A perusal of the case record further reveals that except for a general reference to their names, neither the FIR nor the testimony of PW-1 attributes to them any definite or discernible role in the alleged occurrence; and the allegations



remain vague and collective in character, without reference to any specific act, demand, incident, or conduct attributable to any particular individual. Moreover, no material surfaced during the investigation, or even subsequently during the course of the trial, indicating active participation, instigation, or intentional aid on their part in the commission of the alleged offence. Under such circumstances, mere uncorroborated averments of the complainant cannot be said to meet the degree of satisfaction contemplated for summoning additional accused under section 319 Cr.P.C. Learned counsel for the petitioner has not been able to point out any illegality or infirmity in the impugned order dated 18.02.2026, which would warrant interference by this Court.

12. Accordingly, the petition stands dismissed being bereft of any merit.
13. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

May 19, 2026
ItiHesh

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