



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

(1) CRR-2836-2025 (O&M)

Manpreet Singh

....Petitioner.

VERSUS

State of Punjab

....Respondent.

WITH

(2) CRR-2977-2025 (O&M)

Rinku Kumar and others

....Petitioners.

VERSUS

State of Punjab

....Respondent.

1.	Date when the judgment was reserved	22.04.2026
2.	Date when the judgment is pronounced	28.04.2026
3.	Date when the judgment is uploaded on the website	28.04.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	Not applicable.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Argued by: Mr. Yoginder Nagpal, Advocate
for the petitioner (in CRR-2836-2025).

Mr. Akun Sheemar, Advocate
for the petitioners (in CRR-2977-2025).

Mr. Manjinder Singh Bhullar, Deputy Advocate General, Punjab.

None for the complainant.

SANJAY VASHISTH, J. (Oral)

By this common order, both the afore-mentioned petitions are disposed of together as the same are preferred against, one and same order.

2. Petitioner-Manpreet Singh (in CRR-2836-2025) and petitioners namely Rinku Kumar, Joni Kumar and Vikas Kumar (in CRR-2977-2025), have been summoned vide order dated 03.10.2025 passed by the Court of learned Sessions Judge, Mansa, by exercising its power under Section 358 of BNSS, 2023 (Section 319 Cr.P.C.).

Rinku son of the complainant-Om Parkash died on 14.12.2022, while he was in his house. During investigation, Rinku, Joni and Vicky sons of Bhura Ram and Manpreet Singh son of Lalu Ram were declared innocent, while submitting final report under Section 173 Cr.P.C., which was presented against one accused namely Pinki Rani (wife of deceased Rinku).

3. Counsel for the petitioners argued that first application regarding investigation into the death of Rinku was moved by complainant-Om Parkash on 02.03.2023, without naming any suspect therein. Another application was submitted on 27.07.2023 to Senior Superintendent of Police, Mansa, mentioning therein that Pinki Rani (his daughter-in-law) and some other people along with her, Manpreet Singh knows the whole story, which has become the reason for death of his son and that it happened due to the connivance of said people.

When no FIR was being registered, on filing of a direction petition (CRM-M-46132-2023) for conducting fair and impartial inquiry with regard to the death of Rinku and also for deciding of representation dated 27.07.2023, during the pendency of the petition, FIR No.210 dated

09.11.2023 under Section 302 IPC was registered against Pinki Rani at Police Station Boha, District Mansa. Vide order dated 14.02.2024, direction petition was disposed of, as no further cause of action survived.

4. Counsel argued that except of one accused Pinki Rani, no other name was mentioned in the F.I.R. Counsel further submitted that it was only during the appearance of complainant-Om Parkash as PW-1, when he deposed first time regarding the names of all four petitioners herein. In his evidence, the witness deposed that:-

“My neighbours stated that they had noticed my son upto 7 PM on that day and he was walking. My neighbours also told me that on that day at about 6 PM, two persons with muffled faces, had come to our house on Platina Motorcycle without number and at that time, my son Rinku and his wife Pinki Rani were quarrelling with each other and that Manpreet Singh son of Lalu Ram, resident of Boha was also present there. Thereafter, I along with my relative reached at Civil Hospital, Budhlada, where I found that Pinki, Bhura Ram, Rinku (brother of Pinki Rani), Jony and Vicky were present in the hospital and they were talking with each other.”

Counsel referred whole of the examination-in-chief of PW-1 and submitted that except of raising doubt due to the presence of the now summoned accused in the hospital along with main accused Pinki Rani and doubting chastity of his own daughter-in-law, there was neither any material collected during investigation nor such evidence came on record, worth summoning the petitioners.

Lastly, counsel took the Court to the Post-Mortem Examination Report, wherein one injury on the right side of neck was noticed by the doctor, which reads as under:-

“6 cm x 1.5 cm brownish bruise on right side of neck starting from ventral surface, on further dissection clotted blood seen in subcutaneous tissue, on further dissection NAD.”

Thus, counsel submitted that without there being any evidence, petitioners have been summoned. Moreover, it is against the settled proposition of law that before exercising power to summon any person as additional accused, Court should satisfy more than the requirement of satisfaction at the time of framing of charges. Thus, counsel prayed for setting aside of the impugned order.

5. None appeared on behalf of the complainant. However, learned State counsel submitted that the naming of the petitioners as accused now first time in Court is sufficient to suspect their involvement. While defending the impugned order, learned State counsel submitted that the reason of doubt having been expressed by the complainant/witness (PW-1) is such that at the time of evidence, Court need to peep into the allegations and reason of death of the deceased. However, learned State counsel admits before this Court that during the course of investigation, no material could be collected against the petitioners, who have been now summoned under Section 319 Cr.P.C. Thus, learned State counsel prayed for dismissal of both the petitions.

6. I have considered the submissions addressed by respective counsel for the parties and perused the relevant material on record.

7. Undoubtedly, death had taken place on 14.12.2022 and for a period of about two and a half months, no complaint was moved by the complainant naming anyone as accused, doubting the reason of death of his son because of committing of murder by someone. In the first application dated 02.03.2023, no name was mentioned of any suspect. In the second

application dated 27.07.2023, it was mentioned that his daughter-in-law informed him at about 1 AM (midnight) in Rajasthan at night that his son has died. Except mentioning that his daughter-in-law and other people along with her, Manpreet Singh knows the whole story behind the death of his son, no other substantial allegation was raised by the complainant against any of the accused. It has been noticed from application dated 27.07.2023 that complainant had mentioned therein that *“After the death of my son, some people had admitted my son to the hospital at Budhlada and his Post-Mortem was also conducted. The Post-Mortem Report confirmed that my son died due to giving him a poisonous substance, but my daughter-in-law has shown that my son had a heart attack while admitting my son, which clearly shows that my son’s death was caused by giving him a poisonous substance in connivance with my daughter-in-law and her friends.”*

8. While presenting final report under Section 173 Cr.P.C., it has been concluded and then recorded as under:-

“After receiving the approval, a case under Section 302 IPC was registered against Pinky Rani, widow of Rinku resident of Ward No.4, Boha, and the investigation record was completed accordingly. The case file, along with the original complaint and the inquiry report, has been retained with me for further investigation. Special reports have been prepared and are being sent through Constable Gursewak Singh No. 1501/ Mansa to the senior officers and the area magistrate concerned. PCR Mansa has also been informed through wireless message (W/M). Thereafter, on 10.11.2023, I, along with fellow officials, proceeded in search of the accused Pinky Rani to village Kalotha, but she was not found present there. Later, upon receiving secret information, a raid was conducted at the house of the accused in Boha, where Pinky Rani was found present. She was interrogated and formally arrested in accordance with law. The grounds of arrest and the intimation memo to her family were duly completed. A site inspection was conducted, and a site plan was prepared. Thereafter, her personal search was carried out. The accused Pinky Rani

was then placed under the supervision of Lady Constable Gurpinder Kaur and confined in the women's lockup of the police station. During interrogation, the accused Pinky Rani confessed that On 14.12.2022, my husband went to work as a labourer for some landlord (whose name I do not know). He brought home a bottle of pesticide (spray) from the landlord's field. When I saw it, I got the idea to kill my husband. I mixed that pesticide into his food. My husband had consumed liquor, so he did not notice the taste. After eating the food, he went to sleep in another room. When he became motionless, I admitted him to the Civil Hospital, Budhlada, where the doctor declared him dead. To destroy evidence, I disposed of the pesticide bottle. Based on this confession and evidence, an additional offence under Section 201 IPC was added to the existing case. The accused Pinky Rani was produced before the Hon'ble Court on 11.11.2023, where she was remanded to judicial custody for 14 days and sent to District Jail, Mansa. Up to this stage, sufficient evidence has been gathered against the accused Pinky Rani to prosecute her under Sections 302 and 201 IPC. Therefore, challan under Section 173 Cr.P.C. has been prepared and is being submitted against her before the Hon'ble Court. Witnesses will be summoned to give evidence through court summons. It is requested that the accused be awarded appropriate punishment according to law. Details of witnesses and case documents enclosed.

Sd/-

Station House Officer,
Police Station Boha
Dated 25.11.2023.”

9. While examining the complete record including statement of PW-1 (complainant), this Court is unable to see any material to establish presence of petitioners in the house of the deceased at the relevant time during night on 14.12.2022. Even this Court does not find the reason to uphold the impugned summoning order because nothing has been discussed regarding the investigation having been conducted if any from the neighbours of the complainant, who had intimated him about some persons, entering into the house during the fateful evening.

10. On perusal of the impugned summoning order dated 03.10.2025

passed by the trial Court, none of the aforesaid aspects are found to be noticed while exercising powers under Section 319 Cr.P.C.

11. In this regard, in the case of **Kailash v. State of Rajasthan & Anr.**, 2008(2) RCR (Criminal) 200 : Law Finder Doc Id # 139303, the Apex Court observed as under:-

“A glance at these provisions would suggest that during the trial it has to appear from the evidence that a person not being an accused has committed any offence for which such person could be tried together with the accused who are also being tried. The key words in this Section are "it appears from the evidence"...."any person"...."has committed any offence". It is not, therefore, that merely because some witnesses have mentioned the name of such person or that there is some material against that person, the discretion under Section 319 Criminal Procedure Code would be used by the court. This is apart from the fact that such person against whom such discretion is used, should be a person who could be tried together with the accused against whom the trial is already going on. This Court has, time and again, declared that the discretion under Section 319 Criminal Procedure Code has to be exercised very sparingly and with caution and only when the concerned court is satisfied that some offence has been committed by such person. This power has to be essentially exercised only on the basis of the evidence. It could, therefore, be used only after the legal evidence comes on record and from that evidence it appears that the concerned person has committed an offence. The words "it appears" are not to be read lightly. In that the court would have to be circumspect while exercising this power and would have to apply the caution which the language of the Section demands.”

In the landmark judgment, i.e., **Hardeep Singh v. State of Punjab and others**, 2014(3) SCC 92 : Law Finder Doc Id # 514451, of the Constitution Bench of the Apex Court, observed as under:-

“98. 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.

99. 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."

Further, the Apex Court in **Brijendra Singh & Ors. v. State of Rajasthan**, 2017(3) RCR (Criminal) 374 : Law Finder Doc Id # 851765, observed as under:-

"15. This record was before the trial court. Notwithstanding the same, the trial court went by the deposition of complainant and some other persons in their examination-in-chief, with no other material to support their so-called verbal/ocular version. Thus, the 'evidence' recorded during trial was nothing more than the statements which was already there under Section 161 Cr.P.C. recorded at the time of investigation of the case. No doubt, the trial court would be competent to exercise its power even on the basis of such statements recorded before it in examination-in- chief. However, in a case like the present where plethora of evidence was collected by the IO during investigation which suggested otherwise, the trial court was at least duty bound to look into the same while forming prima facie opinion and to see as to whether 'much stronger evidence than mere possibility of their (i.e. appellants) complicity has come on record. There is no satisfaction of this nature.

Even if we presume that the trial court was not apprised of the same at the time when it passed the order (as the appellants were not on the scene at that time), what is more troubling is that even when this material on record was specifically brought to the notice of the High Court in the Revision Petition filed by the appellants, the High Court too blissfully ignored the said material. Except reproducing the discussion contained in the order of the trial court and expressing agreement therewith, nothing more has been done. Such orders cannot stand judicial scrutiny.”

In **Juhru & Ors v. Karim & Anr., 2023 AIR (SC) 1160 : Law**

Finder Doc Id # 2134545, the Apex Court observed as under:-

“17. It is, thus, manifested from a conjoint reading of the cited decisions that power of summoning under Section 319 Cr.P.C., 1973 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., 1973 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., 1973 ought not to be invoked.”

Lastly, the Apex Court in **N. Manogar & Anr. v. The Inspector of Police & Ors., [Arising out of SLP(Crl.) No(s).8696 of 2021, D.O.D.:16.02.2024]**, observed as under:-

“10. In our considered view, the approach adopted by the High Court was not in consonance with this Court's opinion in Hardeep Singh (Supra). The High Court failed to appreciate that the discretionary powers under Section 319 of the CrPC ought to have been used sparingly where circumstances of the case so warrant. In the present case, the Trial Court Order was well reasoned and did not suffer from any perversity. Moreover, the materials on record could not be said to

have satisfied the threshold envisaged under Hardeep Singh (Supra) i.e., more than a prima facie case, as exercised at the time of framing of charge but short of evidence that if left unrebutted would lead to conviction.”

As discussed here-above, this Court does not find any substance on record, nor from the evidence led by complainant (PW-1), to meet the threshold required under the spirit of the judgment in Hardeep Singh’s case (supra) and other judgments passed by the Apex Court.

In the absence of such material, this Court is constrained to hold that mere deposition before the Court is not sufficient to put a person to face the entire length of trial.

12. In view of all the aforementioned facts and law, and the observations made and recorded by this Court, guided by the principles of law laid down by the Apex Court, **both these petitions are allowed.** Consequently, the impugned order dated 03.10.2025 passed by the trial Court is hereby **set aside.**

Needless to mention here that the application under Section 319 Cr.P.C. stands **dismissed.**

13. Petitions stand **disposed of** accordingly.

Pending misc. application(s), if any, also stand disposed of.

Photocopy of this order be placed on the connected file.

(SANJAY VASHISTH)
JUDGE

28.04.2026

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No