
(2017) 10 P&H CK 0036

In the Punjab And Haryana At Chandigarh

Case No : 3007 of 2017 in of and CRR No 331 of 2017 (O&M)

Satnam Singh Kahlon and others

APPELLANT

Vs

State of Punjab and another

RESPONDENT

Date of Decision : 26-10-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 173](#), [Section 319](#) - Report of police officer on completion of Investigation - Power to proceed against other persons appearing to be guilty of offence

Citation : (2017) 10 P&H CK 0036

Hon'ble Judges : Inderjit Singh

Bench : SINGLE BENCH

Advocate : S.S. Momi, Simranjeet Kaur, Sanjive Bansal

Final Decision : Allowed

Judgement

CRM No.3007 of 2017

1. Heard. For the reasons mentioned in the application, the same is allowed. Delay of 21 days in filing the revision petition, is condoned.

CRR No.331 of 2017

2. The present revision petition has been filed by petitioners against respondents State of Punjab and Surjit Kaur, challenging the impugned order dated 07.10.2016 vide which the application filed by the prosecution under Section 319 Cr.P.C. was allowed.

3. Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

4. I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

5. From the record, I find that challan was presented in case FIR No.71 dated

13.05.2014 under Section 306 IPC against Jasvir Singh. During the pendency of the trial, an application was filed by the prosecution under Section 319 Cr.P.C. for summoning Satnam Singh Kahlon, P.K.Kaushal, Bachittar Singh and Parduman Singh as additional accused. It is stated in the application that Surjit Kaur wife of deceased Bhupinder Singh in her statement to the police, clearly stated that her husband Bhupinder Singh committed suicide on account of harassment committed to him by aforesaid persons and these persons levelled against him that he is having illicit relations with the wife of accused Jasbir Singh and above persons used to harass the deceased on account of which, he committed suicide.

6. Learned Addl. Sessions Judge, Kapurthala, allowed the application by holding that while deposing in the Court as witness, Surjit Kaur complainant again reiterated the allegations against the abovesaid persons. It is further held that no just explanation is given by the Investigating Agency for keeping the names of accused persons in column No.2 while presenting the report under Section 173 Cr.P.C. and there is sufficient evidence on record to summon these persons.

7. From the perusal of the impugned order dated 07.10.2016, I find that the Court below has nowhere given its satisfaction that it appears to the Court that these persons are also involved in the commission of the offence and they should be tried along with accused already challaned. It is the necessary ingredient to summon additional accused under Section 319 Cr.P.C. Mere fact that complainant gave statement to the police by levelling allegations that these persons also harassed the deceased by saying that he has illicit relations with wife of Jasvir Singh and the same facts have been stated by Surjit Kaur in her statement before the Court, cannot be held as sufficient evidence from which the Court can say that it appears to the Court that these persons are also involved in the commission of the offence.

8. There is no evidence on the record till now that these revision petitioners, on any particular date, time and place, have harassed the deceased. It is a general allegation levelled by Surjit Kaur wife of deceased Bhupinder Singh. Even, she has not stated that in her presence, ever these persons have harassed the deceased. It is admitted fact that Jasvir Singh filed the petition before this Court alleging that Bhupinder Singh and other persons are having illicit relations with his wife. These revision petitioners were not the party in that petition. Notice of motion was issued by this Court in that petition and notice was also issued to Bhupinder Singh. There is no evidence at this stage to show any harassment caused to the deceased. The deceased, main accused and present revision petitioners are employees in the same department.

9. The FIR has been registered on the statement of Surjit Kaur, in which it is stated that her husband started saying in depression that a false allegation has been levelled against him by Jasbir Singh under the influence of Satnam Singh, P.K.Kaushal, Bachitar Singh and Parduman Singh to tarnish his reputation and whenever, he goes on duty, they torture him. No particulars have been

mentioned in the FIR as to when these persons tortured him and how they tortured him. There is no suicide note in the present case. At this stage, there is no cogent evidence evidence to show that petition was filed by Jasvir Singh under the influence of these revision petitioners. Therefore, at this stage, from the evidence, it cannot be held that the revision petitioners are also involved in the commission of the offence.

10. In view of the above discussion, I find that the impugned order dated 07.10.2016 passed by learned Addl. Sessions Judge, Kapurthala, is not as per evidence and law and the same is set aside.

11. Therefore, finding merit in the present revision petition, the same is allowed.