



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

(115)

**CRR-2553-2025 (O&M)
Date of Decision: 13.10.2025**

GURJIT SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. M.S. Nagra, Advocate
for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The challenge in the present petition is to the impugned order dated 29.08.2025 passed by the learned Additional Sessions Judge, Fatehgarh Sahib, whereby the learned trial Court has dismissed the application for summoning respondent Nos.2 to 5 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 brother of the deceased, alleging therein that his sister, whose marriage was solemnized with Lakhvir Singh in the year 2018, 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. Subsequently, charges were framed against the husband and father-in-law of the deceased under Sections 306 and 498-A of IPC. An application was thereafter moved seeking the summoning of



private respondents as additional accused, which was dismissed by the trial Court on 29.08.2025. Aggrieved by the same, the present petition has been moved.

3. Learned counsel for the petitioner submits that the impugned order dated 29.08.2025 passed by the learned trial Court is based on an 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) and PW-2 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 though private respondents were initially declared innocent by the investigating agency, however, after allegations were levelled against them by PW-1 and PW-2, an application was moved before the learned trial Court to summon private respondents as additional accused, but the same was dismissed by way of the impugned order dated 29.08.2025.

5. Heard learned counsel and perused the judicial record.

6. Before proceeding further, it is pertinent to discuss the observations made by the Hon'ble Supreme Court in some of its recent judgments. Discussing the scope of Section 319 Cr.P.C., the Constitution Bench of Hon'ble Supreme Court in *Hardeep Singh 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 unrebutted, 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. Hon'ble the 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 'evidence' against such a person on the basis of which evidence it can be gathered that he appears to be guilty of offence. The 'evi-



dence' 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 Hon'ble the Supreme Court in case of ***Juhru & Ors. Versus Karim & Anr. 2023 AIR (Supreme Court) 1160*** observing the scope of section 319 Cr.P.C held that:

"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 at hand, the private respondents sought to be summoned as additional accused are the brother-in-law and his wife, mother-in-law as well as the married sister-in-law of the deceased. A careful perusal of the judicial file reveals that respondent No.2 was serving in Indian Army in the year 2018, when the unfortunate incident took place, and that as such he and his wife (respondent No.4) were living separately from the rest of the family. It was also confirmed in investigation that respondent No.5 was married at village Salani in Tehsil Samana, District Patiala, and only



visited her parental house occasionally. It was thus that the learned trial Court, citing lack of evidence to corroborate the allegations levelled against them, dismissed the plea of summoning them as additional accused. Insofar as respondent No.3 (mother-in-law) of the deceased is concerned, it was concluded by the learned trial Court there were no specific allegations against her of subjecting the deceased to cruelty. The factum that in a previous complaint filed in 2023 to report the (since) deceased as missing, no allegations against the private respondents had been levelled, also weighed with the learned trial Court. Therefore, again, due to absence of any evidence to substantiate the allegations against respondent No.5, the application was dismissed qua her as well. It is settled law that mere uncorroborated averments in the absence of cogent evidence as is the situation in the present case, that would lead the Court to opine that the private respondents might be guilty of committing the offence, are insufficient to allow their summoning as additional accused. Learned counsel for the petitioner has not been able to point out any illegality or infirmity in the impugned order which may 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

October 13, 2025
Ithlesh

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