



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

257

CRR No.1372 of 2024 (O&M)

Reserved on :26.08.2025

Pronounced on: 18.09.2025

Dr. Sunanda alias Dr. Sunanda Dass

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Sandeep Wadhawan, Advocate for the petitioner.
(through hybrid mode).

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

Challenge in this revision petition is to the order dated 18.03.2024 passed by the learned Additional sessions Judge, Amritsar. By virtue of above mentioned judgment the Court of learned Additional Sessions Judge, Amritsar, hereinafter being referred to as trial Court only has exercised its jurisdiction vested by virtue of Section 319 Cr.P.C., and summoned the petitioner as an accused. It is relevant to mention here that the above mentioned trial is with regard to commission of offence punishable under Section 306 arising out of FIR No.155 dated 31.07.2013, Police Station Jandiala Guru, Amritsar.

2. Briefly stating the facts emerging from record are that on 31.07.2013 the above mentioned FIR was lodged in response to the statement of complainant, namely Navjeet Singh. For the investigation of above mentioned case a Special Investigation Team, hereinafter being referred to as



SIT, comprising of Superintendent of Police, Investigation, Amritsar (Rural), DSP Jandiala Guru and Inspector Sanjeev Kumar was constituted. The above mentioned SIT on completion of investigation found the petitioner to be innocent and, therefore, she was not prosecuted. Further, the co-accused namely Harpinder Kaur was sent to trial by filing a report under Section 173 Cr.P.C. Since the petitioner was not prosecuted and the trial commenced against Harpinder Kaur, only, during the course of trial when statement of complainant was recorded on application was moved by the prosecution under Section 319 Cr.P.C., and the petitioner has been summoned as co-accused by virtue of impugned order.

3. Aggrieved of the impugned order, this revision petition has been preferred on the ground that the learned trial court, by misappropriating the facts and the law, exercised jurisdiction not vested in it, and summoned the petitioner without considering that there was no iota of evidence against him. The petitioner has alleged that except the bare testimony of complainant Navjeet (as PW-2) there is no other significant evidence on record to indicate the involvement of petitioner in the commission of offence. According to petitioner, the statement of PW-2 is similar to the statement which was made before the police for registration of FIR. As per petitioner once the SIT had examined the facts narrated by the PW-2 before the Court, and found that the petitioner was not involved in the commission of offence, on the basis of same evidence, which was highly unreliable and grossly inadequate, the summoning of petitioner as an additional accused is not warranted. Hence the present petition.

4. Heard.



5. While assailing the impugned order it has been argued by learned counsel for the petitioner that false allegations have been made by the brother of the deceased, i.e. complainant with an intention to black male the petitioner and that, in fact, a false story has been cooked up by the complainant with regard to involvement of petitioner in the commission of crime. According to learned counsel for the petitioner the allegations as contained in the FIR, with regard to involvement of petitioner in the commission of offence, have already been examined by a team headed by a high ranking police officer and recorded the finding on the basis of scientific evidence. coupled with factual matrix, proving that the allegations of the complainant against the petitioner are base less. While alleging that erroneous view has been taken by the learned trial Court while passing the impugned order, the petitioner has sought indulgence and interference of revisional jurisdiction of this Court.

6. Per contra, the learned State counsel has argued that the jurisdiction vested in the trial Court to summon as an additional accused is within the discretion of the trial Court and that in the present case the above mentioned discretion has been rightly exercised. While defending the impugned order, it has been argued by learned State counsel that an unrebutted consistent statement of PW-2, proving the involvement of petitioner in the commission of offence is on record, and that there is nothing on record to prove the above mentioned statement to be false or unreliable. As per learned State counsel in view of above, taking cognizance against the accused, in the exercise of jurisdiction under Section 319 Cr.P.C., by the learned trial Court is perfectly in consonance with the rule of law. While contending that there is no scope for indulgence in the impugned judgment the learned State counsel has



sought for dismissal of present revision petition.

7. The record has been perused carefully.

8. In the present case the record show that FIR pertaining to the instant case came into being on the complaint of Navneet Singh brother of deceased. In the above mentioned complaint it has been stated by the complainant that his brother Simranjeet was a bachelor and working on a jewellery shop at Bandala stand. According to complainant on 28.07.2013 he noticed that his brother was disturbed and on inquiry by the complainant he confided, with complainant, that he had developed illicit relations with Dr. Sunanda of Sanjeevani Hospital, Khajala, and that she was pressuring him to stay with her permanently. According to complainant his brother Simranjeet Singh also stated that Dr. Sunanda was threatening him that if he (Simranjeet) did not marry with her she will defame him.

9. In the above mentioned complaint it has been further stated by the complainant that he consoled his brother by assuring that he will sort out the issue, and thereafter his brother went to sleep. As per complainant at about 10.50 P.M when he got up to ease him, he found that his brother had received a call and then started talking to somebody. The complainant has further stated that on the basis of above mentioned conversations he was able to observe that the caller was threatening his brother and in response to the caller's threat his brother said that if further disturbances would be caused to him, he would commit suicide. According to complainant he again pacified his brother with an assurance to settle the matter in the morning, but in the morning his brother consumed poisonous substance and passed away.

10. On the basis of above mentioned complaint FIR has been lodged,



the investigation conducted by SIT. The SIT found that the petitioner, being who a qualified doctor, was treating the deceased for depression and heart ailment. During the course of investigation, the SIT found that there was a reference of one SMS in the phone of deceased, wherein it was mentioned by the sender that she is pregnant and, therefore, deceased should marry him. It is significant to mention that SIT examined the details of sender of above mentioned message and with the help of scientific evidence, i.e. SIM Number used for sending the message, IMEI Number of mobile phone used for same and the tower location, established that the above mentioned message was sent by the accused Harpinder Kaur and not by the petitioner. In addition to above, since there was an allegation that business card of the petitioner was found in possession of deceased, the SIT examined the above mentioned issue and found that it was in usual course of business of the petitioner.

11. Considering the above mentioned facts it was detected by the SIT that there was no abetment of suicide by the petitioner to the deceased and, therefore, she being innocent was not prosecuted.

12. In the present case, the report of SIT has been placed on record and a perusal of abovesaid report shows that in addition to above, the SIT had also examined the witnesses and collected other evidence and found that apparently there was no intimate relationship between the petitioner and the deceased. As a result of above mentioned findings the petitioner has not been prosecuted.

13. In the backdrop of above mentioned facts and circumstances, now the veracity of impugned order has to be examined. In the present case, the learned trial Court while referring to the principle of law laid down by the



Hon'ble Supreme Court in the case of **Hardeep Singh Vs. State of Punjab 2014(1) RCR (Criminal) 623** observed that instant case is a fit case wherein the jurisdiction vested in the trial Court, by virtue of Section 319 Cr.P.C., should be exercised. The entire finding with regard to summoning of an additional accused is based upon the testimony of complainant, examined during the course of trial as PW-2. In his statement before the learned trial Court, the complainant (PW-2) reproduced the same allegations as contained in the statement made by him before the police.

14. Except the above mentioned evidence there is no other material available on record, to support the testimony of PW-2 with regard to abovementioned allegations.

15. As far as, the impugned order is concerned there cannot be any quarrel with regard to observations of learned trial Court to the effect that by virtue of Section 319 Cr.P.C., it is vested with a discretion to summon the additional accused. However, it is also a settled law that while exercising the discretion it has to be kept in mind that summoning of additional accused under Section 319 Cr.P.C. cannot be merely on the basis of whims and fancies of the Court. Rather, there are sound legal principles laying down the grounds/conditions when the above mentioned jurisdiction can be exercised, and one of the above mentioned ground as observed by the learned trial Court itself is the evidence having a little bit higher degree than the mere of a prima facie case.

16. On the above mentioned touchstone if the legality of the finding of learned trial Court is examined it transpire that:-

- (i) that entire finding recorded by the learned trial Court is based



upon the bare statement of the complainant, examined as PW-2, and except the above mentioned statement there is no other supporting evidence;

- (ii) the statement of PW-2 before the learned trial Court is identical to the statement made by him before the police, which served as foundation for the FIR. Since the same allegations were made by the complainant before the police and those allegations were duly examined and investigated by the police, unless some additional evidence is there on record, to show that the findings recorded by the Investigating Agency were perverse, the summoning of additional accused on the basis of same evidence is not warranted;
- (iii) in the present case, the report of SIT shows that on the basis of independent & unbiased scientific evidence, it has formed its opinion with regard to exonerating the petitioner from being prosecuted. In such circumstances, the above mentioned report should have been examined by the learned trial Court but without analysing the above mentioned report, the learned trial Court in a very casual manner exercised its jurisdiction against the petitioner. Such an approach is contrary to the law.
- (iv) in the present case, the entire plea with regard to involvement of petitioner in the commission of crime is based upon a part of a statement of the complainant, where he stated that there was one SMS in the mobile phone of deceased, whereby the deceased was threatened by the sender of message by telling



that sender was pregnant because of her relationship with the deceased, and if the deceased did not marry her she could expose him. The SIT sincerely investigated the case with regard to above said message, and found that SIM card and mobile phone used for sending the message and the tower location do not support the claim of complainant with regard to involvement of petitioner in the commission of offence. Rather it has been found by the SIT that those messages were sent from the same mobile phone which was being used by the accused, (already facing trial).

17. The abovementioned scientific evidence which is unbiased and independent in nature renders the testimony of complainant with regard to involvement of petitioner in the commission of crime baseless.

18. It is also relevant to mention here that if the entire story set up by the complainant is analyzed it transpired that the deceased was having illicit relations with only one lady and the evidence collected by the SIT reveals that probably the said lady is Harpinder Kaur, the accused, and not the petitioner.

19. If the cumulative effect of above mentioned factors is taken into consideration, it transpires that a grave error of judgment has been committed by the learned trial Court, and that without proper appreciation of evidence, available on record, and without looking into the facts, it jumped to the conclusion that any *prima facie* case for summoning of the petitioner, as accused, is made out.

20. In fact as per principles of law, propounded by the Hon'ble Supreme Court of India in the case of **Hardeep Singh (supra)**, the evidence



available on record is not sufficient and good enough to pass the requisite test warranting summoning of additional accused, in the exercise of jurisdiction vested in the trial Court by virtue of Section 319 Cr.P.C. Hence, as the discretion has been wrongly exercised by the learned trial Court there is need for interference and indulgence of revisional jurisdiction of this Court, in the impugned order. Thus by accepting the present revision petition the impugned order is hereby set aside.

21. The present petition stands allowed accordingly.

Pending miscellaneous application(s), if any, also stands disposed of.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on:18.09.2025.

Manoj Bhutani

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