

**State of Haryana Vs. Navjot Singh**

**IN THE COURT OF MUNISH, JUDICIAL MAGISTRATE FIRST CLASS, PANIPAT**  
**UID No. HR-0725**

Present: Ms. Shruty Bahadur Saini, Ld. APP for the State assisted by Sh. Raghav Sharma, Advocate for complainant.  
Accused Navjot Singh on bail represented by Sh. A.K. Wadhwan, Advocate.

**ORDER:-**

1- This order shall dispose of an application moved on behalf of the complainant under Section 319 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “CrPC”) seeking summoning of the following persons as additional accused:—

(i) Jasbir Singh

(ii) Balwinder Kaur

(iii) Harwinder Singh

(iv) Paramjit Kaur, all residents of H.no. 703/6, Karnal

(v) Prabhjit Kaur, resident of Club Market, Karnal

2- Briefly stated, genesis of the instant application lies in FIR No. 656 dated 27.09.2023, registered at Police Station Chandni Bagh, Panipat, for offences punishable under Sections 323, 406, 498-A & 506 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) which was lodged against accused persons namely Navjot Singh, Jasbir Singh, Balwinder Kaur, Harwinder Singh, Paramjit Kaur and Prabhjit Kaur on the complaint of Manpreet Kaur. According to the applicant, all the aforesaid persons were specifically named in the complaint given to police. It is averred that the complainant has categorically stated that the above-named accused persons demanded dowry, gave beatings, demanded dowry, taunted, threatened the complainant and misappropriated her

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dowry articles. It is further alleged that there are specific allegations against Balwinder Kaur and Jasbir Singh that they asked the complainant to bring gold ring, one almirah and cash of Rs. 10,00,000/-. It is alleged that accused persons threw out complainant from her matrimonial home in demand of dowry and caused threat to kill the complainant if she comes back to matrimonial home. It has been further pleaded that upon completion of investigation, the Investigating Officer submitted the final report under Section 173 Cr.P.C., wherein only accused Navjot Singh was sent up for trial, whereas the remaining persons i.e. Jasbir Singh, Balwinder Kaur, Harwinder Singh, Paramjit Kaur and Prabhjot Kaur were exonerated knowingly and intentionally. The applicant has further averred that during her examination before the Court as a prosecution witness, she has categorically stated the names of Jasbir Singh, Balwinder Kaur, Harwinder Singh, Paramjit Kaur and Prabhjot Kaur and attributed specific acts to them. It is contended that the evidence adduced before the Court clearly discloses the involvement of the said persons in the commission of the alleged offences and, therefore, they are also liable to be tried along with accused Navjot Singh. On the strength of the aforesaid averments, the applicant has prayed that Jasbir Singh, Balwinder Kaur, Harwinder Singh, Paramjit Kaur and Prabhjot Kaur be summoned as additional accused under Section 319 Cr.P.C. to face trial along with the charge-sheeted accused.

3- Arguments addressed by learned counsel for the applicant have been heard and the case file has been carefully perused. Perusal of the record reveals that challan has been presented only against accused Navjot Singh after completion of investigation. Further, comparison of the testimony of PW-1 with the contents of the original complaint made to the police and statement under Section 164 CrPC shows that the

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complainant has merely reiterated the allegations already levelled in the FIR and statement under Section 164 CrPC against the accused as well as the proposed accused persons. No new fact or additional incriminating material has surfaced in her testimony before the Court. The legal proposition on section 319 Cr.P.C. has been settled in the case of **Hardeep Singh Vs. State of Punjab 2014 (1) RCR (Criminal) 623**, wherein it has been held 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 which has to be applied is that the satisfaction which is more than a prima facie case which has to be 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 any such satisfaction, the court should refrain from exercising power under Section 319 Cr.P.C.”*

4- From the aforesaid legal proposition, it is evident that unless the degree of satisfaction contemplated under Section 319 Cr.P.C. is met, namely that the evidence available on record, if left un rebutted, is capable of leading to conviction of the proposed accused, the extraordinary power under the said provision cannot be invoked. It is further a settled principle of criminal jurisprudence that the power under Section 319 Cr.P.C. (now Section 358 BNSS) is discretionary in nature and is required to be exercised sparingly and only in exceptional circumstances.

5- Further, the Hon’ble Punjab and Haryana High Court in the case of **Navneet Singh Vs. Joginder Singh P&H High Court, CRM-M-10973 of 2016 (O&M) decided on 26.07.2016**, observed that *“No person on an application under Section 319 Cr.P.C. can be summoned as an additional accused merely on the basis of statement of the complainant recorded in the court. In order to summon an accused, some “fresh*

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*evidence” must have come on record so as to impel the court to sommon such person as an additional accused.”*

6- In the backdrop of the aforesaid discussion, it is apparent that the allegations leveled by the complainant/PW-1 against the persons sought to be summoned as additional accused are substantially similar to the allegations leveled in the FIR. All such allegations were duly considered during the course of investigation and, upon inquiry, the Investigating Agency found the proposed accused persons innocent and accordingly did not make them accused in the final report. The facts deposed by PW-1 during trial were already part of the record and had been considered at the earlier stages of the proceedings. No fresh fact, additional circumstance or new incriminating material has come on record during the course of evidence so as to warrant exercise of powers under Section 319 Cr.P.C. Further, there is no independent material available on record corroborating the allegations levelled by the complainant against Jasbir Singh, Balwinder Kaur, Harwinder Singh, Paramjit Kaur and Prabhjot Kaur so as to justify their prosecution in the present case. At the same time, this Court is required to remain cautious while exercising powers under Section 319 Cr.P.C. and cannot lose sight of the possibility of misuse of criminal proceedings. It has repeatedly been observed that in matrimonial disputes there is a tendency to implicate multiple members of the husband’s family, which may seriously prejudice their lives and reputation. Therefore, in absence of cogent and convincing evidence, the extraordinary power of summoning additional accused cannot be invoked in a mechanical manner.

7- In this context, it is pertinent to mention the observations of Hon’ble Supreme Court in the case of *Kahkashan Kausar @Sonam vs State of Bihar and Ors. AIR 2022 SC 820* wherein it was observed as under:

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*“12. Before we delve into greater detail on the nature and content of allegations made, it becomes pertinent to mention that incorporation of section 498A of IPC was aimed at preventing cruelty committed upon a woman by her husband and her in-laws, by facilitating rapid state intervention. However, it is equally true, that in recent times, matrimonial litigation in the country has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions such as 498A IPC as instruments to settle personal scores against the husband and his relatives.*

*18. The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.”*

8- In view of the foregoing discussion, this Court is of the considered opinion that the evidence available on record does not satisfy the degree of satisfaction required for summoning the proposed accused under Section 319 Cr.P.C. Consequently, no sufficient ground is made out for proceeding against the proposed accused persons by way of additional prosecution. Accordingly, ***the present application moved on behalf of the complainant stands dismissed.*** Trial shall continue against accused person namely

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Navjot Singh in accordance with law. It is clarified that any observation made herein is only for the purpose of adjudication of the present application and shall not be construed as an expression on the merits of the main case.

Application stands dismissed and disposed of accordingly.

Pronounced in open Court.  
28.07.2026.

(Munish)  
Judicial Magistrate Ist Class  
Panipat (UID:HR0725)

Note: All six pages of this order have been checked & signed by me.

(Munish)  
Judicial Magistrate Ist Class  
Panipat (UID:HR0725)

Typed by:  
Amit, Stenographer Gr.II

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Present: Ms. Shruty Bahadur Saini, Ld. APP for the State assisted by Sh. Raghav Sharma, Advocate for complainant.  
Accused Navjot on bail represented by Sh. A.K. Wadhwan, Advocate.

Arguments on the application u/s 319 Cr.P.C advanced and file perused.

Vide my separate detailed order of even date, application is dismissed.

Now to come up on 25.08.2026 for cross-examination of PW1 as well as for remaining PWs.

(Munish)  
JMFC, Panipat  
UID No. HR0725  
28.07.2026

Amit, Steno-II