

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Revision No.340 of 2015

.....

Date of decision:30.1.2015

Hem Pal

...Petitioner

v.

State of Haryana

Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Bharat Bhushan Sharma, Advocate for the petitioner.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned order dated 9.1.2015 passed by learned Additional Sessions Judge, Faridabad, whereby application filed under Section 319 Cr.P.C. moved by the accused/petitioner for summoning ESI Sunita Poonia (Investigating Officer of the case) and Constable Rajesh as additional accused has been dismissed.

I have heard learned counsel for the petitioner and have gone through the record, specially the impugned order.

From the record, I find that the FIR has been got registered against the present petitioner for the offences under Section 376, 506, 342, 363 and 366 IPC and he is facing the trial. In defence the accused has examined himself as a witness and then filed application under Section

319 Cr.P.C. for summoning ESI Sunita Poonia (Investigating Officer of the case) and Constable Rajesh as additional accused to face trial with the accused already facing the trial. Mainly, the case of the petitioner is that nothing has been recovered from him and he has not given any disclosure statement etc. A perusal of the record and impugned order shows that he is an accused in a rape case and while appearing as a defence witness has levelled allegations against the Investigating Officer and another Constable. There is no allegation that the persons whom the petitioner/applicant/accused wants to summon are, in any way, connected with the main accused for the offence under Section 376 IPC etc. It is only the defence version of the accused that nothing has been recovered from him or he has not given any disclosure statement etc. He is to prove his version in that trial. There is no ground made out for summoning the Investigating Officer of the case as well as Constable Rajesh as accused in the case. The application on the face of it looks a frivolous application filed only to create the defence or to harass the Investigating Officer etc.

Therefore, the impugned order dated 9.1.2015 passed by the learned Additional Sessions Judge, Faridabad is correct and as per and law which does not require any interference from this Court and the same is upheld.

Therefore, finding no merit in the criminal revision petition, the same is dismissed.

January 30, 2015.

(Inderjit Singh)
Judge

hsp