

CRR-3644-2015 (O&M)

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

**CRR-3644-2015 (O&M).
Decided on: November 16, 2015.**

Saroj Taluja

..... Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Ashwani Talwar, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

After hearing the learned counsel for the petitioner, and going through the contents of the FIR; statements made by two witnesses in the Court; as well as the order under Section 319 Cr.P.C., I am of the opinion that there is prima facie involvement of the petitioner.

Without expression of any opinion or satisfaction pertaining to the said evidence and without forming an opinion that if the said evidence goes un rebutted that would lead to conviction of the petitioner, I am of the opinion that the involvement of the petitioner, prima facie, cannot be ruled out. However, analysis of the evidence at this stage, would tantamount to entering into the niceties of the trial which might prejudice the rights of the prosecution agency

CRR-3644-2015 (O&M)

or the petitioner at a pre-mature stage.

No ground is made out for interference in the order dated 30.3.2015, though the reasoning given by the Court below for summoning the petitioner as additional accused may raise controversial issues but the fact remains that the petitioner can be tried along with other co-accused for the allegations which have cropped up from the very beginning in the case built up by the prosecution.

I have heard learned counsel for the petitioner regarding the validity of order dated 11.8.2015 ordering framing of charges against the petitioner after summoning her as an additional accused. A perusal of order dated 11.8.2015 indicates that the petitioner no doubt can be charged under Section 120-B IPC, but whether the conspiracy alleged against the petitioner would be an illegal act constituting offence under Sections 420, 467, 468, 471 IPC or Sections 4 and 5 of the Immoral Traffic Act, or it would be merely for an illegal act warranting conviction under Sections 384 or 506 IPC would be debatable. It also appears to be debatable whether any offence under Sections 8 and 9 of the Prevention of Corruption Act, is made out on the basis of the material available on record. The petitioner can always move an application under Section 216 Cr.P.C. for modification of the charge in accordance with law.

This petition is dismissed with liberty to the petitioner to move application under Section 216 Cr.P.C. In case any

CRR-3644-2015 (O&M)

such application is filed, it is expected that the learned trial Court shall consider the said application in context to the material available on the record. If deemed appropriate, it will be open to the trial Court to amend the charges.

November 16, 2015.
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(M.M.S. BEDI)
JUDGE