

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

CRR-3948-2014

Date of decision: 21.7.2015

Rajender

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Naveen Dahiya, Advocate for
Mr. Shalender Mohan, Advocate for the petitioner.
Mr. Rajesh Gaur, Addl. Advocate General, Haryana.

Rajan Gupta, J. (oral)

Petitioner has assailed the order dated 3.11.2014, passed by Additional Sessions Judge, Hisar, whereby application filed by the petitioner under section 319 Cr.P.C. has been partly allowed and dismissed qua accused Soni.

FIR was lodged on the statement of Rajinder Singh, father of prosecutrix. He stated that on 5.3.2014, three boys entered his house after scaling the walls. They took the prosecutrix to residence of one Rati. At that place, respondent No.2 was also present. Prosecutrix was thereafter taken to Narnaund. All accused including Soni were present at that place. A handkerchief was tied on the mouth of the prosecutrix. She was thereafter taken to a room. Kuldeep and Sunil committed rape on her. At that time other accused including Soni were also present. Later a complaint was lodged by father of the prosecutrix at Police Station Hansi. Medical

examination of the prosecutrix was conducted. Statement of the prosecutrix was recorded under section 164 Cr.P.C., wherein she specifically named accused Soni.

Respondent No.2 remained unrepresented despite service.

Keeping in view entire facts and circumstances of the case, complicity of additional accused sought to be summoned is there. A perusal of statement under section 164 Cr.P.C. leaves no room for doubt that role of Soni figures in the entire episode. It is inexplicable why trial court has rejected the application for summoning Soni as an additional accused. Under the circumstances, impugned order is hereby set-aside. It is directed that additional accused namely, Soni be summoned by the trial court to face trial.

Allowed in these terms.

(RAJAN GUPTA)
JUDGE

21.7.2015
'Rajpal'