

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

**CRR No. 346 of 2015
Date of decision : 6.9.2016**

Tabassum

.....Petitioner

v.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. D.K. Sharma, Advocate, for the petitioner

Mr. D.R. Singla, DAG, Haryana

Mr. Sandeep Kotla, Advocate, for respondents No. 2 to 6

Ritu Bahri, J. (Oral)

The petitioner has come in revision against order dated 18.12.2014 passed by the trial Court, whereby an application made by the prosecution under Section 319 Cr.P.C. for summoning of Vasim, Hamid, Abbas, Aarif and Yusuf as additional accused has been dismissed.

Perusal of the order dated 18.12.2014 shows that after registration of the FIR, investigation was verified by Superintendent of Police, Head Quarter, Nuh. As per the birth certificate, the prosecutrix was more than 18 years of age and thus, was major at the time of occurrence. She has accompanied Inam to Chandigarh before their marriage on 16.12.2013. During 9.12.2013 to 11.12.2013 they both stayed in Sarita Vihar Hotel, Delhi on a payment of ₹ 1400/-. This fact was verified by the Investigating Agency by way of documents showing that on the said date the prosecutrix was stayed at Sarita

Vihar Hotel, Delhi. The accused who have summoned to face the trial were nine in numbers. Apart from the statements of the prosecutrix, which she recorded during her examination in chief and under Section 164 Cr.P.C., there is no evidence to show that the aforementioned accused have participated and involved in the occurrence.

Summoning the persons as additional accused, as per the judgment of the Supreme Court in the case of **“Rajinder Singh v. State of UP and others, 2007(3) RCR (Criminal) 1021”** is to be done if there is some prima facie evidence which the Investigating Agency had not taken into consideration at the time of presentation of the challan and it was otherwise corroborated by the deposition of the witnesses. There is no evidence or document on record against the accused to summon them as additional accused in the present case.

The arguments of learned counsel for the petitioner that vide order dated 16.12.2013 (Annexure P-6), the prosecutrix had appeared in this Court with Inam to seek protection but they have withdrawn the petition to file it with better particulars and on the same day her medical was conducted at Mewat and by this they have committed fraud on this Court, is not acceptable.

Inam is already facing trial. The parents of the petitioners are not involved and the accused is summoned as an additional accused.

In view of the above facts and circumstances, the revision is dismissed.

(RITU BAHRI)
JUDGE

6.9.2016
Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No