

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

**CRR No.2451 of 2016 (O&M)
Date of decision: 04.11.2016**

Ranjeet Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Nakul Sharma, Advocate,
for the petitioners.

Ritu Bahri, J.

CRM No.20655 of 2016

For the reasons mentioned in the application, same is allowed and delay of 232 days in filing of the present petition is condoned.

CRR No.2451 of 2016

This petition has been filed against the order dated 24.08.2015 passed by the Sessions Judge, Ferozepur, whereby application filed by the prosecution under Section 319 Cr.P.C. has been allowed and the petitioners have been summoned as additional accused to face trial in case FIR No.210 dated 14.09.2014, under Sections 376 (D)/366/341/382/506/148 IPC, registered at Police Station, Guruharsahai, District Ferozepur.

The aforesaid FIR has been registered on the statement made by Gurmeet Kaur-respondent No.2 (complainant), alleging therein that on 13.09.2014, she along with her husband-Kuldeep Singh had gone to village

Chak Nidhana to meet her elder sister-Santosh Rani. After meeting her sister, at about 09:00 P.M. when they were going towards her paternal village Panje-Ke-Uttar, five unidentified persons came in front of their motorcycle and stopped the same. Thereafter, they started giving beatings to her husband and made a demand of money. When husband of the prosecutrix refused to do so, two persons caught hold of him. Remaining three accused persons caught the prosecutrix from her arms and forcibly made her to sit on a motorcycle. They took her to a small room (*kothri*) and after removing clothes, committed rape upon her turn by turn without her consent. Thereafter, her husband and brother-in-law (Ruban Kumar) reached near the *kothri*. On seeking them, the assailants snatched the gold topas of the prosecutrix and ran away. Out of the accused persons, three were identified by Ruban Kumar as Sandeep Singh, Jagtar Singh and Jaswinder Singh, all residents of village Chak Nidhana. Supplementary statement of the prosecutrix was recorded on 29.09.2014 (Annexure P-2), wherein she had stated that co-accused Sandeep Singh, Balwinder Singh, Sajan, petitioners along with Ram had committed rape upon her on 13.09.2014. On the basis of supplementary statement made by the prosecutrix, the petitioners were arrayed as accused in the FIR (Annexure P-1). On completion of investigation, challan was prepared and presented against Balwinder Singh, Sajjan Singh and Ram. Subsequently, supplementary challan was presented against Sandeep Singh-accused. During the course of investigation, Vikram Singh, Jagtar Singh, Jaswinder Singh, Ranjit Singh and Kuldeep Singh were found innocent. Vide order dated 01.04.2015 passed by the Sub Divisional Judicial Magistrate, Guruaharsahai, accused-Sandeep Singh had been declared as absconder.

During trial, after recording statement of the prosecutrix, the prosecution moved an application under Section 319 Cr.P.C. for summoning Vikram Singh, Jagtar Singh, Jaswinder Singh, Sandeep Singh, Ranjit Singh and Kuldeep Singh as additional accused. The said application has been allowed by the trial Court vide impugned order dated 24.08.2015 keeping in view that their names have emerged in the statement of the prosecutrix during trial, wherein she has attributed specific role to them. Their names had also been emerged in the statement made by the prosecutrix during the course of investigation. While allowing application, it has been observed that no reason has been given, as to why they have been found innocent. There was material on record, which indicated that Vikram Singh, Jagtar Singh, Jaswinder Singh, Ranjit Singh and Kuldeep Singh also committed the alleged offence.

Learned counsel for the petitioners has argued that the complainant has made improvements in the supplementary statement (Annexure P-2). She has introduced the names of Balwinder Singh son of Surjit Singh, Ram son of Surain Chand and Rajan Kumar son of Gurdev Chand, who had taken her on *katcha path* of fields to a small room of tubewell (motor). In the FIR (Annexure P-1), allegations of rape have been attributed to Sandeep Singh, Jagtar Singh and Jaswinder Singh, who had been identified by her brother-in-law (*jija*) namely Ruban Kumar. Two other persons were there. However, in the supplementary statement, the prosecutrix has introduced the names of Balwinder Singh, Ram, Rajan Kumar, Vikram and Kuldeep that they had raped her without her consent. It was alleged that Ranjit Singh son of Puran Singh stood by the door and Ram Singh had made a movie of the whole incident from his cell phone.

After hearing learned counsel for the petitioners and going through the contents of the petition, it appears that in the supplementary statement (Annexure P-2), specific roles have been attributed by the complainant to each of the accused person (petitioners). One CD is also one of the parts of challan, which was recovered during investigation by the police. The authenticity of the CD and the other evidence will be tested by the trial Court after conclusion of the trial. At this stage, no ground is made out to interfere in the impugned order and the application under Section 319 Cr.P.C., has been rightly allowed by the trial Court. Moreover, the prosecutrix has also been medically examined during investigation.

Resultantly, the present petition is dismissed.

04.11.2016
ajp

(RITU BAHRI)
JUDGE