

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 4818 of 2015

Date of decision : 05.09.2016

Satpal Singh

... Petitioner

versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. H.S. Dhindsa, Advocate for the petitioner
Mr. K.S. Aulakh, AAG Punjab
Mr. S.K. Sandhir, Advocate for respondent No. 2

ANITA CHAUDHRY, J. (ORAL)

This revision is directed against the order dated 06.10.2015 passed by Addl. Sessions Judge, Ludhiana vide which the application under Section 319 Cr.P.C. for summoning the additional accused had been dismissed.

Heard. The daughter of the complainant is a student of 8th class and used to go to school on a Auto. The allegations are that Pawan Kumar and his cousin chased her on a motorcycle and on reaching the school they told her that her father had met with an accident and her mother had sent them for taking her. On hearing this news, prosecutrix got confused and accompanied both of them and she was taken to a Cafe where Pawan Kumar took her inside and she was raped. The police filed the challan only against Pawan Kumar. The victim was examined and she named the additional accused namely Mani. Thereafter an application under Section 319 Cr.P.C. was moved which has been dismissed.

Learned counsel for respondent No. 2 had pointed out that presence of Mani was not found and he worked in the Post Office and he was on duty at that time and therefore, the police did not challan him and he lives in a different village.

I have considered the submission of both the side. The incident is of

08.05.2014 and the FIR was lodged on 15.05.2014. The MLR was got done on 17.05.2014. There were no allegations that Mani had given threat or had committed rape on her. It is not a case of prosecution that the girl was taken inside by the additional accused. General allegations had been levelled in the FIR . Considering the principles laid down in *Harpreet Singh vs. State of Punjab and others, 2014(1) RCR(Criminal) 623*, I find no infirmity in the order passed by the Court below.

The petition is dismissed.

September 05, 2016

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(ANITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No