



by the victim. Therefore, impugned order dated 20.03.2017 be set aside qua the petitioner.

I have heard learned counsel for the petitioner and have gone through the file including the statement of the victim PW1 attached with this petition as (Annexure P-4).

The petitioner was earlier summoned as an additional accused by the learned trial Court vide order dated 07.12.2015 (Annexure P-1). The said order was set aside by this Court on 27.01.2017 in CRR No. 2655 of 2016 on the ground that the trial Court had summoned the accused merely on the asking of the prosecution and acquiescence of the accused already facing trial. The said order dated 07.12.2015 was, thus, set aside and the matter remitted to the learned trial Court for deciding the matter afresh in accordance with law.

The learned trial Court vide a detailed order dated 20.03.2017 allowed the application under Section 319 Cr.P.C. and summoned the petitioner alongwith three others (non-applicants) to face trial as additional accused in FIR No. 50 dated 25.06.2014.

It is to be noted that the victim raised specific allegations against the petitioner in her statement before the Court. It is stated by the victim that her parents sustained injuries in a road accident. This fact was known to the petitioner and another accused, both of whom were class mates of the victim. They called her on 21.06.2014 at about 10.30 a.m. and she revealed to them that her parents had gone to Jalandhar for taking medicines. The petitioner alongwith another accused (the other class mate) came to her home on 21.06.2014 for about 10/15 minutes. The victim offered them tea and snacks. As she came out of the house to see them of,

she noticed a white coloured car in which two other accused were there. One of them came out of the car. The victim was forcibly pushed inside the said car by the present petitioner and others . She was then threatened to bring all the cash and gold ornaments from her home, failing which her parents would be killed. They returned to her house under the impression that her parents had not yet returned from Jalandhar. However, on seeing her father present at home, the accused brought her back forcibly and pushed her in the same car. There is no reason evident on record as to why the victim would falsely implicate the petitioner, who is none other than her class-fellow.

The victim has clearly deposed on the same lines before the learned trial Court. In these circumstances, the learned trial Court has rightly held that there is no explanation or basis on which the investigating agency has not proceeded against the petitioner.

Learned counsel for the petitioner is unable to point out the basis on which the investigating agency found the petitioner to be innocent. It is true that for summoning a person as an additional accused to face trial there has to be something more than a prima facie case but short of clinching evidence which if un-rebutted would inevitably lead to the conviction of the accused.

Keeping in view the facts and circumstances, I do not find any illegality, infirmity or error apparent on the face of the impugned order dated 20.03.2017, which calls for any interference by this Court in exercise of its revisional power.

Accordingly, this petition is dismissed.

It is reiterated that none of the observations made herein above

are a reflection on the merits of the case and shall have no bearing on the trial.

July 10, 2017  
rts

**(Lisa Gill)**  
**Judge**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No