

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

CRR No.2856 of 2017 (O&M)
Date of Decision: August 23, 2017

Tarik

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.D.S.Matya, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Tarik against State of Haryana and other respondents, challenging the impugned order dated 25.05.2017 passed by learned Addl. Sessions Judge, Nuh, vide which the application filed by the complainant-petitioner under Section 319 Cr.P.C. was dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that application under Section 319 Cr.P.C. was filed by the complainant through learned Public Prosecutor to summon Hakku alias Hakamdeen, Bhurmali alias Jharmali, Hazi Pittal, Ayyub, Sahib alias Saddik, Ayye Khan, Hasim, Fateh Mohammed, Sapat, Nishar, Hasam and Shamim. Learned Addl. Sessions Judge, Nuh, after

passing detailed order, dismissed the application. The Court held that

perusal of the statement under Section 164 Cr.P.C. would show that there is no specific attribution of Sodomy to any of the accused. Secondly, the Court held that Hakku alias Hakmudeen, Bhurmal alias Jharmal, Sapat and Ayub are neither named in the FIR nor in the statement recorded under Section 164 Cr.P.C. Even summoning of Umar Shekh whose name was stated in the statement of Sadik recorded under Section 164 Cr.P.C. has not been sought in the application under Section 319 Cr.P.C. Learned Addl. Sessions Judge, Nuh, further held that case of the complainant is full of improbabilities and version of kidnapping at the very threshold appears to be concocted since there is a matrimonial dispute between Irfan and his wife Arjuna, who had left the company of Irfan after a few days of her marriage.

The Court below discussed all these facts and dismissed the application. Learned counsel for the petitioner relied upon some photographs showing that the petitioner was cleaning the street while wearing ladies suit but the photographs will not prove the version of the petitioner that it was accused, who have compelled him to do so. To summon additional accused, it should appear to the Court that the persons whom the prosecution wants to summon as additional accused, are also involved in the commission of the offence. During investigations, these persons have not been challaned by the police.

Keeping in view the facts regarding matrimonial dispute and in view of the discussion by learned Addl. Sessions Judge, Nuh on the statement under Section 164 Cr.P.C. of the complainant, I find that it appears to the Court that the persons sought to be summoned as additional accused, are not involved in the commission of the offence. The impugned

correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

August 23, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No