

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

CRR No. 779 of 2017(O&M)

Date of decision: 3.3.2017

Sonu

....Petitioner

VERSUS

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Chanderhas Yadav, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against order dated 03.12.2016 passed by the Additional Sessions Judge, Narnaul whereby an application filed under Section 319 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') for summoning the additional accused has been dismissed qua Sandeep son of Daya Ram, though, another person namely Deepak has been summoned to face trial with accused Beerpal, already before the Court.

Counsel for the petitioner has submitted that as obscene/objectionable messages were being sent to the complainant by using the SIM admittedly issued in the name of Sandeep and Sandeep did not take any steps even after coming to know that Beerpal was misusing his SIM, Sandeep is liable to be summoned to face trial with his co-accused.

I have heard counsel for the petitioner, perused the paper-book particularly statement of the complainant partly recorded by way of examination in chief.

The trial Court has disposed of the application for summoning of additional accused even without bothering to complete examination in chief of the complainant. However, reading of statement of the complainant that sought to be pressed into service for summoning Sandeep would evident that the only allegation against Sandeep is that Sandeep was called to her house who disclosed that SIM is with Beerpal and he would have made the messages. Sandeep further replied that he would bring Beerpal to her house but he did not bring him.

Taking into consideration the allegations raised in the FIR and so also the statement of the prosecutrix recorded by the Court below, I do not find any error much less illegality in the impugned order rejecting plea of the petitioner for summoning Sandeep as an additional accused when the case is examined in the light of enunciation of law laid down by Hon'ble the Supreme Court in **Hardeep Singh v. State of Punjab, (2014) 3 SCC 92.**

Dismissed in limine.

However, nothing stated hereinbefore would cause prejudice qua trial pending against other persons.

MARCH 3, 2017

'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no