

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 3607 of 2018 (O&M)
Date of decision : November 22, 2018

Khalil

....Petitioner

versus

State of Haryana and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Vishwajeet Singh, Advocate, for the petitioner

Fateh Deep Singh, J. (Oral)

This petition by way of criminal revision by petitioner Khalil proposed accused has come about after an application under Section 319 Cr.P.C. moved by the State stood allowed vide impugned orders dated 12.9.2018 by the court of learned Additional Sessions Judge, Palwal.

The application moved by the prosecution side shows that his name figured in the First Information Report being the principal accused. However, the police during the course of investigations has held him to be innocent. Such an investigation does not binds the court. The name of the petitioner figures in the FIR and as is there even in the statement of the prosecutrix it finds categorically mentioned that Khalil dragged the

prosecutrix in the fields of millet and thereafter removed the salwar of the prosecutrix and his co-accused Salim raped her first and thereafter followed by Khalil. Subsequently, both the accused threatened the victim not to disclose the incident to any one. The prosecutrix is a minor as per the records. As has been observed in the impugned findings of the trial court consequent upon this incident the prosecutrix had become pregnant and gave birth to a child. The court below has heavily placed reliance on **Hardeep Singh vs State of Punjab, 2014(1) RCR (Criminal) 623** to hold that there is prima facie case established from the evidence before the court. The arguments of the counsel for the petitioner who has sought to seek support from **Brijendra Singh & Ors vs State of Rajasthan, 2017(3) R.C.R. (Criminal) 374** does not cut much ice in view of the factual disparity. The counsel could not bear out any illegality or perversity in the impugned findings. The present matter being devoid of any merits stands dismissed.

November 22, 2018

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(Fateh Deep Singh)
Judge*Whether speaking/reasoned ?**Yes/No**Whether Reportable ?**Yes/No*