

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

CRR No.241 of 2019.
Decided on:- January 30, 2019.

Sheela Bibi.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Kamal Narula, Advocate
 for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present criminal revision against the order dated 10.12.2018 passed by learned trial Court, whereby the application under Section 319 Cr.PC filed by the prosecution seeking summoning of respondent No.2 Pasho Bibi as additional accused, was dismissed.

Briefly stated, FIR No.183 dated 13.12.2017 under Sections 363, 366 and 120-B IPC was registered against accused Sandeep Singh, Phuman Singh and Sona Singh @ Paramjit Singh at Police Station Guru Harsahai, District Ferozepur on the basis of statement made by the petitioner-complainant Sheela Bibi. As per the FIR, on 08.12.2017, the family of the complainant was on a routine sleep after having meal. In the midnight of 08/09.12.2017 at about 02.00 A.M., the complainant got up to pass urine.

When she switched on the light, she found that her daughter Sunita Rani was not on her bed. The complainant woke up her husband Jagir Singh and other children. All of them started searching Sunita Rani in another room, but she was not found. She was kidnapped by accused Sandeep Singh son of Santa Singh, resident of Mohan Ke Uttar with the help of Sohna Singh son of Santa Singh, Pasho Bibi wife of Joginder Singh resident of Mohan Ke Uttar and Titu son of Mangal Singh Chaki Wala, resident of Gobindgarh, P.S. Guru Harsahai under the allurence of marriage.

During the course of investigation, police found respondent No.2 Pasho Bibi innocent and her name was shown in Column No.2 in the report under Section 173 Cr.P.C. Thereafter, the prosecutrix was examined before the trial Court as PW1 where she has stated that she and Sandeep Singh got attracted with each other and Sandeep Singh allured her to contract marriage with him through Court. Respondent No.2 Pasho Bibi wife of Joginder Singh was mediating between them.

Learned counsel for the petitioner-complainant has argued that since respondent No.2 has been named in the statement made by the prosecutrix before the trial Court on 12.11.2018 as PW1, she is required to be summoned to face trial as an additional accused.

I have heard learned counsel for the petitioner.

Though the petitioner-complainant has named respondent No.2 and the police found her innocent during investigation, the prosecutrix while appearing in the witness box as PW1 has deposed nothing against respondent No.2 except the fact that the respondent No.2 was mediating

between the prosecutrix and Sandeep Singh. Thus, this Court finds that she has deposed nothing new which has already been taken care by the investigating agency during the course of investigation and accordingly, the respondent No.2 was found innocent. Moreover, the statement of the prosecutrix as PW1 does reflect that in association with accused Sandeep Singh, she was already planning to have court marriage and this Court has been informed that the prosecutrix and accused Sandeep Singh sought protection of their life and liberty from this Court on 17.12.2017.

Therefore, this Court does not find any illegality in the impugned order dated 10.12.2018 passed by learned trial Court and no interference is warranted with the same.

Accordingly, affirming the impugned order dated 10.12.2018 passed by learned trial Court, present criminal revision, being devoid of any merit, is dismissed.

January 30, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No