

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-27980-2019 in/and
CRR-2311-2019 (O&M)
Date of Decision:- 9.12.2019

Madhu Bala

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Veerpal Kaur, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

CRM-27980-2019

There is delay of 36 days in filing this petition.

The reasons assigned in the delay condonation application is that the petitioner being a poor person did not have sufficient funds to engage a counsel and that the present petition was ultimately filed through free legal aid.

In view of the reasons mentioned in the application, the same is allowed and the delay of 36 days in filing the revision petition is condoned.

CRR-2311-2019 (O&M)

The petitioner assails order dated 7.5.2019, passed by learned Additional Sessions Judge, Kaithal, whereby an application under Section 319 Cr.P.C. filed on behalf of the prosecution seeking summoning of the grand-parents and parents of the main accused Kunal to face trial along with Kunal has been dismissed.

The allegations, in nutshell, as levelled in the FIR are that the complainant's daughter had been enticed away by Kunal who had earlier also enticed her away on two occasions and that Kunal's parents and grand-parents had helped him in commission of the said crime. Upon conclusion of investigation a challan was filed against Kunal while the remaining persons i.e. Kunal's parents and grand-parents were kept in column No.2.

Upon commencement of trial, statement of the complainant i.e. mother of the victim was recorded wherein she categorically stated that Kunal's parents and grand-parents also had played an important role in kidnapping of her daughter.

Learned counsel for the petitioner has submitted that since categoric allegations have been levelled in the FIR which have been reiterated by the complainant when she stepped into the witness box, the complicity of Kunal's parents and grand-parents is evident and they ought to have been summoned to face trial.

I have considered the aforesaid submission addressed before this Court. It is apparently a case where the complainant's daughter stated to be a minor, had left her house so as to be in the company of Kunal. After the complainant's daughter was recovered her statement was recorded in terms

of Section 164 Cr.P.C. wherein she has not stated a word against Kunal's parents or his grand-parents. It is highly unlikely that parents or grand-parents of a boy would coax or help their son/grand-son to commit an offence of kidnapping, which is likely to entail serious consequences.

Having regard to the totality of facts and circumstances of the case, this Court does not find any infirmity in the impugned order and the same is hereby upheld.

Finding no merit in the petition, the same is dismissed.

December 9, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No