

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

**Criminal Misc. No.M-40104 of 2019 (O&M)
Date of Decision: September 19, 2019**

Ajit

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S. Budhwar, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

Petitioner moved application for recalling Suman on the ground that on the date of her statement dated 26.02.2019, she was under pressure and coercion to make statement against him. His plea has been discarded by the trial Court while dismissing his application.

The question, which requires for consideration is as to what is the basis of the petitioner to allege that complainant was under pressure and coercion on the day her statement was recorded in the Court.

Learned counsel for the petitioner had tried to justify the plea taken by the petitioner-accused in his application on the ground that after the statement, an application under Section 319 Cr.P.C. for summoning additional accused was moved by the complainant, which was later on withdrawn by her.

The withdrawal of the application under Section 319 Cr.P.C. cannot be taken to believe the contention of petitioner that statement dated 26.02.2019 was made by the complainant under pressure and coercion. The matter is before the trial Court, which is competent to pass any order about summoning or non-summoning of additional accused. The mere fact of withdrawal of application, does not lend any support to the contention of petitioner that complainant Suman is required to be recalled on the ground that she had made her statement on 26.02.2019 under pressure or coercion, particularly when she herself has not come up with any such plea.

This petition has no merits.

Dismissed.

September 19, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***