

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

CRR-439-2020

Decided on : 12.02.2020

Monika

. . . Petitioner(s)

Versus

State of Haryana and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. B.K. Bagri, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant revision petition has been filed to impugn the order dated 08.01.2020 of the Additional Sessions Judge, Rewari, under Sections 319 Cr.P.C. filed by the prosecution for summoning respondent No.2 – Sunil Garg, as an additional accused, was dismissed.

It has been contended by the learned counsel for the petitioner that the Court below while dismissing the application, failed to appreciate that specific allegations had been levelled against respondent No.2 and specific role had been attributed to him by the prosecutrix, in the occurrence in question. It was urged that in fact it was respondent No.2, who induced the prosecutrix to get married to the co-accused Parveen, who thereafter, kidnapped and forcibly married the prosecutrix.

I have heard learned counsel for the petitioner and also gone through the impugned order as well as other material on record.

A perusal of the FIR in question reveals that the allegations levelled against respondent No.2 are of luring the prosecutrix into marrying co-accused Parveen, however, the allegations of the prosecutrix were thoroughly investigated by the investigating agency, which found

respondent No.2 innocent and placed him in column No.2. Admittedly, even in the FIR in question, there are no allegations against respondent No.2 of any sexual assault having been committed on the prosecution.

As the power under Section 319 Cr.P.C. is discretionary, a Court has to be extremely circumspect in exercising the powers and due regard must be given to the facts and circumstances of each individual case coupled with the evidence which may be adduced during the trial. If there is no likelihood of an accused being convicted, who is sought to be summoned under Section 319 Cr.P.C., the Courts should refrain from summoning such persons as additional accused under Section 319 Cr.P.C.

In the case in hand, there does not exist sufficient evidence, which would warrant the summoning of respondent No.2 as an additional accused under Section 319 Cr.P.C. Consequently, the instant revision petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

February 12, 2020

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No