

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

(Heard through VC)

CRR No.346 of 2021 (O&M)
Date of Decision: March 23, 2021

Abhishek

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rishi Pal Singh, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant criminal revision has been filed seeking to challenge the order dated 24.02.2021 passed by the trial court, whereby, the petitioner herein has been summoned as an additional accused on an application moved by the complainant under Section 319 Cr.P.C.

Learned counsel for the petitioner herein would contend that the petitioner has been wrongly summoned by the trial court, once he has been found not involved in the commission of offence by the investigating agency. It is argued that after completing the investigation, the challan was filed only against accused Amit and Vikram, declaring the petitioner herein as innocent. It is contended that no specific allegation of rape etc. is made out against the petitioner and even as per the statement of the prosecutrix, no specific attribution has been made against the petitioner.

I have heard learned counsel for the petitioner and have perused the pleadings of the case.

A perusal of the allegations levelled by the prosecutrix would show that the petitioner herein is the person, who has started the chain of events, which led to commission of offence of rape on the prosecutrix. It was the petitioner, who initially came to the house of the prosecutrix with a piece of paper in his hand, when she was cooking the food and mixed something in the food. Further, a reading of the statement of the prosecutrix would go on to show that on the relevant day, it was the petitioner who along with co-accused Vikram came to the house of the prosecutrix and told her that the condition of her brother had become very bad and her father was calling her to the doctor. On this, the complainant left the house with the present petitioner and Vikram and thereafter, the whole episode occurred.

An application under Section 319 Cr.P.C. was moved before the trial court for summoning the present petitioner Abhishek and Sonia as additional accused. The trial court by its order dated 24.02.2021 dismissed the said application qua Sonia, but allowed the same qua the present petitioner and summoned him as an additional accused.

In the impugned order, the trial court has noted that the prosecutrix has levelled similar allegations against accused Abhishek in her statement under Section 164 Cr.P.C. as well as before Legal Aid Councilor. It is further noted by the trial court that although initially the present petitioner was arrayed as an accused, but subsequently for the reasons best known to the investigating agency, he was found innocent. There is no material in the challan to suggest as to on what basis the petitioner herein

was found innocent by the investigating agency. This court does not find any illegality in the impugned order so passed by the trial court.

In view of the above discussion, the instant revision petition is hereby dismissed, being devoid of any merits.

March 23, 2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No