

108 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-150-2022 (O&M)

Date of Decision: 24.05.2022

SAKIL

... PETITIONER

VS.

STATE OF HARYANA AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Parminder Singh, Advocate
for the petitioner.

VIVEK PURI, J.(ORAL)

CRM-10458-2022

This is an application for placing on record statement of
prosecutrix as Annexure P-5.

For the reasons stated in the application, the same is allowed.
Statement of prosecutrix is taken on record as Annexure P-5, subject to all
just exceptions.

Registry is directed to annex the same at appropriate place.

Application is disposed of.

CRR-150-2022 (O&M)

The petitioner has assailed the order dated 09.11.2021 vide
which application under Section 319 Cr.P.C. for summoning of Afiz and
Jamshed as accused has been dismissed.

In the concluding portion of the impugned order, the learned
trial Court has observed as following:-

*“I am of the opinion that at this stage without
cross-examination of victim and without appreciating the
remaining evidence on record, it would not be
appropriate to direct summoning of the additional
accused persons. Therefore, application is hereby*

dismissed. However, it is clarified that if at any stage of trial, prosecution is of the opinion that Afiz and Jamshed should be summoned as accused in this case then matter can be reconsidered.”

Faced with the situation, learned counsel for the petitioner has contended that subsequent to the recording of examination-in-chief, the cross-examination of the victim as well as statement of the father of the victim have also been recorded. Accordingly, he seeks to withdraw the present petition with liberty to approach the trial Court afresh by moving an application under Section 319 Cr.P.C. for summoning Afiz and Jamshed as additional accused.

Dismissed as withdrawn with the liberty aforesaid.

24.05.2022
smriti

(VIVEK PURI)
JUDGE

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