

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH  
(through video conferencing)**

CRR-1696-2021  
Decided on : 02.03.2022

Nisar ..... Petitioner

Versus

State of Haryana ..... Respondent

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Ms. Rosi, Advocate  
for the petitioner.

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**Manjari Nehru Kaul, J.(Oral)**

The petitioner is impugning the order dated 10.11.2021 vide which he was ordered to be summoned under Section 319 Cr.PC to face trial as an additional accused.

It has been urged by learned counsel for the petitioner that the false implication of the petitioner in the case in hand is evident from the fact that the investigating agency found him innocent during investigation and placed him in Column No.2. In addition, learned counsel has also urged that the prosecutrix while stepping into the witness box made material improvements upon her statement recorded under Section 164 Cr.PC as in the aforesaid statement she had not levelled any allegations much less of any wrong doing against the petitioner.

In the wake of submissions made by learned counsel for the petitioner, State was directed to place on record the copy of statement of the prosecutrix recorded under Section 164 Cr.PC.

A perusal of the copy of the statement of the prosecutrix recorded under Section 164 Cr.PC, which was placed on record on the last

date of hearing i.e. 28.02.2022, reveals that learned counsel for the petitioner has misled the Court by making totally false averments. Rather a perusal of the contents of the FIR, registered at the instance of the prosecutrix, her statement recorded under Section 164 Cr.PC and her deposition made during trial as PW-1 makes it abundantly clear that she has been consistent qua the role of the petitioner in the commission of the alleged crime.

More over, a perusal of the impugned order vide which the petitioner has been summoned to face trial as an accused along with co-accused Subedin @ Puchhu comes across as a well reasoned one and does not suffer from any infirmity whatsoever.

As such, the submissions made by learned counsel for the petitioner are devoid of any merit. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)  
JUDGE

02.03.2022  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable :       | Yes/No |