

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.114

CRR-954-2023 (O&M)

Date of decision : 17.04.2023

Islam

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Saurav Bhatia, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks setting aside of order dated 12.01.2023, whereby, application filed by him under Section 319 Cr.P.C. has been dismissed.

According to the prosecution, FIR No.860 dated 11.11.2019 was registered at Police Station Nuh, under Sections 302, 201, 506 & 34 IPC and Section 6 of POCSO Act, 2012 on the basis of a complaint dated 11.11.2019 filed by the petitioner. According to the application, the minor son of the complainant was found missing from the house on the night of 31.10.2018. A call was made on the mobile phone, but was not answered. Next morning, he came to know that the body of his son is hanging in the fodder house of Jamil. In the presence of police, the dead body was brought down and it was found that the minor son had been subjected to unnatural sex. The private respondents were named as co-accused, but in the challan presented, they were kept in column No.2.

During the course of the trial, application under Section 319 Cr.P.C. was filed. Learned counsel for the petitioner has submitted that

was patently illegal, yet, it has been made the basis of the order rejecting the application under Section 319 Cr.P.C. Thus, the order deserves to be set aside.

Even if, the submission is accepted, no relief can be granted as the learned counsel has not been able to point out any evidence brought on record during the course of the trial to show that the private respondents were also involved. That being the situation, the impugned order cannot be set aside, even though, the basis thereof may be incorrect.

In view of above, the petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

17.04.2023
Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes

No