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

CRR-1578-2024

Date of Decision:- 21.04.2025

‘V’XXXX

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON’BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Gurpreet Singh Bhasin, Advocate for the petitioners.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J.(Oral)

1. Petitioner/prosecutrix ‘V’XXX has filed revision against impugned order dated 22.07.2024 vide which her application for summoning of additional accused under Section 319 Cr.P.C. has been declined by learned Additional Sessions Judge, Bathinda.

2. As per the facts narrated in FIR No. 68 dated 12.05.2021 registered under Section 376, 450, 309, 473, 411, 366 of IPC and Section 7(a) Prevention of Corruption Act at Police Station Nathana, District Bathinda (Annexure P-2), prosecutrix alleged that her son Manpreet Singh who was studying in Adesh University Bathinda was booked in a case on 06.05.2021 under Section 18(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 for recovery of Opium. Her son was apprehended by policemen ASI Gurvinder Singh and ASI Jaswinder Singh. Police official ASI Gurvinder Singh was posted in CIA Staff-I Bathinda. She came in



contact with him about three months ago in an Auto near Bus Stand Bathinda. He used to call her frequently. On 10.05.2021, she was going to meet her sister Harmeet Kaur as her son was lodged in jail. Said ASI Gurvinder Singh called her at 11:00 AM to meet him as he will help in the release of her son. At his instance she stopped at Bibi Wala Chowk where Gurvinder Singh came in Ritz car. He took her towards Bhucho Mandi. At about 11:30-12 O'clock, he stopped car on service road and developed physical relations with her in car against her wishes. Thereafter, he assured that he will help her in the release of her son. She was left near Banti Medical Store, Bhucho Mandi. She went to her cousin Teeta wife of Ruldu Singh. On 11.05.2021, when she was alone in house she again received repeated calls from ASI Gurvinder Singh. She informed her relative Bhola Singh. Said ASI Gurvinder Singh came at about 11:00 PM night on his motorcycle. He again had forcible sex with her by using condom. Her relative Bhola Singh reached on the spot. Video was also prepared. Police was informed. However, said police official ASI Gurvinder Singh managed to escape. With these allegations, aforesaid FIR was registered against ASI Gurvinder Singh.

3. After completion of investigation challan was presented in Court. Charges were framed and recording of prosecution evidence started. During the pendency of trial, application dated 07.02.2022 (Annexure P-7) was filed by prosecutrix under Section 319 Cr.P.C. to summon ASI Kulwinder Singh @ Gabbar, ASI Jaswinder Singh, HC Avtar Singh, SI Gurinder Singh as additional accused. Said application was opposed and reply (Annexure P-8) was filed by accused facing trial in aforesaid FIR.



After hearing arguments, application was declined by learned Additional Sessions Judge, Bathinda vide impugned order dated 22.07.2024. Feeling aggrieved of this order present criminal revision has been filed.

4. Learned counsel for petitioner argued that matter in controversy relates to incident dated 06.05.2021 when respondents No. 2 to 6 in connivance with each other arrested Manpreet Singh son of petitioner by planting false recovery of 400 grams of Opium. Aforesaid police officials i.e. respondents No. 2 to 6 picked up his son from the house at about 10:00 AM and took away cash of Rs. 60,000/-. They also took away car and motorcycle lying in the house. Petitioner was called in CIA-I, Police Station Bathinda along with cash of Rs. 2 lacs. She managed to arrange cash of Rs. 1 lac and after receiving bribe ASI Jaswinder Singh returned the car but still registered FIR No. 40 dated 06.05.2021 under Section 18(b) of NDPS Act (Annexure P-1) at Police Station Cantt., District Bathinda against her son Manpreet Singh. Police official ASI Gurvinder Singh i.e. respondent No. 6 called her on phone that he will get her son out of aforesaid FIR and will also permit her to meet him. Petitioner was sexually exploited by said police official ASI Gurvinder Singh i.e. respondent No. 6, regarding which present FIR (Annexure P-2) was registered later on. The police during the course of investigation did not record statement of prosecutrix correctly and skipped names of other accused i.e. respondents No. 2 to 5. During the course of trial, statement of prosecutrix has been recorded as PW-1 (Annexure P-5) where she has specifically named all the accused. Learned trial Court while deciding application under Section 319 Cr.P.C. wrongly concluded that petitioner



could raise issue qua respondents No. 2 to 5 in other FIR registered against her son under Section 18(b) of NDPS Act. It is argued that present petitioner has no concern in said NDPS case. She is not cited as a witness in that case, therefore she cannot present her stand in other FIR. Therefore, without appreciating the facts and circumstances of case, application filed by petitioner under Section 319 Cr.P.C. for summoning of respondents No. 2 to 5 as accused has been wrongly declined.

5. Learned counsel representing State has not disputed registration of aforesaid FIRs. Proper investigation was carried out in FIR No. 68 dated 12.05.2021 (supra) (Annexure P-2) registered on the statement of petitioner/prosecutrix. After completion of investigation, challan was presented before the trial Court. Charges were framed on 06.09.2021 and prosecution witnesses are being examined. At the time of filing of status report, 07 prosecution witnesses were already examined. It is pointed out that after thorough investigation of case, challan was presented against accused ASI Gurvinder Singh – respondent No. 6 who is already facing trial.

6. I have considered the arguments and have gone through the record. It is matter of record that Manpreet Singh son of present petitioner was booked in FIR No. 40 dated 06.05.2021 under Section 18(b) of NDPS Act (Annexure P-1). Thereafter, on the statement of petitioner/prosecutrix, present FIR No. 68 was registered on 12.05.2021 at Police Station Cantt. District Bathinda (Annexure P-2). Statement of petitioner/prosecutrix was recorded in which she levelled allegations against police official ASI Gurvinder Singh who started calling her time and again giving assurance



for the release of her son and sexually exploited her. On the basis of allegations levelled by her, thorough investigation was carried out and finally challan was presented against ASI Gurvinder Singh-respondent No. 6, who is already facing trial in a case. Initially, when FIR was registered, complainant did not level any allegation against other police officials i.e. respondents No. 2 to 5 that they ever called her or sexually exploited her in any manner. After registration of FIR in May 2021 till presentation of challan, complainant never alleged that her statement was not recorded properly by Investigating Agency or in her statement names of respondents No. 2 to 5 were skipped with ulterior motive. During trial, statement of prosecutrix was recorded as PW-1 and in said statement she named respondents No. 2 to 5 where she alleged that on 06.05.2021 respondents No. 2 to 6 took away her son from the house along with cash amount and their vehicles which is subject matter of FIR No. 40 dated 06.05.2021 (Annexure P-1). Regarding the allegations involved in present case, respondents No. 2 to 5 were not named. During examination-in-chief, prosecutrix alleged that regarding the incident of 11.05.2021 ASI Gurvinder Singh told her that tomorrow Jaswinder Singh, Kulwinder Singh, Gurinder Singh will also visit her house for same purpose. Even if statement of prosecutrix is taken into consideration, there are no allegations against respondents No. 2 to 5 pertaining to present FIR.

Therefore, considering the totality of facts and circumstances of case, I do not find any reason to interfere in impugned order dated 22.07.2024 vide which application filed by petitioner/prosecutrix under Section 319 Cr.P.C. for summoning of additional accused was declined by



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learned Additional Sessions Judge, Bathinda. Consequently, finding no merits in present criminal revision, same is accordingly, dismissed.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

21.04.2025

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(AMARJOT BHATTI)
JUDGE

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