



CRR-1273-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1273-2025 (O&M)

Date of Decision:- 18.03.2026

Mohd. Iqbal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Abhishek Yadav, DAG, Haryana.

Mr. Sarfraj Hussain, Advocate for
Mr. Farukh Abdullah, Advocate
for respondents No. 2 and 3.

AMARJOT BHATTI, J.**CRM-4010-2026**

This is an application filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 for placing on record application under
Section 358 BNSS, 2023 and Challan as Annexures P-5 and P-6
respectively.

For the reasons enumerated in application, same is allowed.
Accompanying documents i.e. Annexures P-5 and P-6 are taken on record,
subject to all just exceptions.

Main case

1. Present criminal revision has been preferred against impugned
order dated 24.02.2025 passed by learned Additional Sessions Judge, Fast
Track Special Court for trial of offences under POCSO Act, Nuh vide



which application filed under Section 358 Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') by present petitioner and Public Prosecutor representing State of Haryana for summoning additional accused, namely Anisha wife of Wajid and Wajid son of Abdul Ahmid, has been dismissed.

2. As per the facts of case, FIR No. 135 dated 11.04.2024 was registered under Section 363, 366-A IPC at Police Station Sadar Nuh, District Nuh (Annexure P-1) on the statement of father of victim, namely, 'I'. He reported the matter that on 09.04.2024 after having dinner, family went to sleep. On 10.04.2024 at about 06:00 am, when he woke up, he noticed that his minor daughter, namely 'S' aged about 14/15 years was not present on her cot. They tried to search her whereabouts and then came to know that victim has been taken away by accused Samma in connivance with accused Wajid and Anisha with intention to perform marriage. With these allegations, present FIR was registered.

After completion of investigation, challan (Annexure P-6) was presented against accused Samim Ahmed @ Samma and other accused were kept in column No. 2 of challan report. During the pendency of trial, complainant filed application under Section 358 BNSS, 2023 (old Section 319 Cr.P.C.) for summoning accused Anisha wife of Wajid and Wajid son of Abdul Ahmid. Said application was declined by the trial Court by passing impugned order dated 24.02.2025. Feeling aggrieved of this order, present criminal revision has been filed.

3. Learned counsel for petitioner/complainant argued that learned trial Court has failed to consider the fact and circumstances of present case.



Complainant had named both Anisha and Wajid while lodging report with police. Without proper appreciation of facts, challan was presented only against Samim Ahmed @ Samma. Statement of victim recorded in Court as PW-1 (Annexure P-4) has been totally ignored. She also named both Anisha and Wajid who played active role in kidnapping of victim and she was wrongly confined. Earlier when victim was recovered and her statement was recorded under Section 164 Cr.P.C., she was under pressure of Samim Ahmed @ Samma. At that point of time, she had also refused for her medical examination. While disposal of application for summoning of additional accused, statement of victim recorded in Court as PW-1 (Annexure P-4) has been wrongly ignored. Therefore, it is submitted that impugned order dated 24.02.2025 passed by learned Additional Sessions Judge, Fast Track Special Court for trial of offences under POCSO Act, Nuh may kindly be set aside by accepting present criminal revision and trial Court is required to consider the facts and circumstances of case afresh.

4. On the other hand, learned counsel representing State of Haryana confirmed the factual position. Detailed status report has been filed along with statement of victim recorded under Section 164 Cr.P.C. (Annexure R-2). It is pointed out that after proper investigation and verification of facts, it was found that Wajid (brother-in-law of main accused) and Anisha (sister of main accused) as well as Khan Mohd. (father of main accused) were not found involved in commission of crime and accordingly, they were not challaned in present case. After completion of investigation, challan was presented against main accused Samim



Ahmed @ Samma, who is already facing trial.

5. Learned counsel representing respondents No. 2 and 3 pointed out that impugned order dated 24.02.2025 passed by learned Additional Sessions Judge, Fast Track Special Court for trial of offences under POCSO Act, Nuh does not require any interference. Investigating Agency rightly found Anisha and Wajid innocent and they were not found involved in this case. In fact, victim and main accused Samim Ahmed @ Samma had approached this Court by filing CRWP-3330-2024, seeking protection of their life and liberty, which was decided on 30.07.2024 (Annexure P-3). On the other hand, Mohd. Iqbal-father of victim had also filed CRWP-3523-2024, writ in the nature of Habeas Corpus, decided on 25.04.2024, in which statement of victim was also recorded and accordingly same was disposed of. Victim was produced before the Magistrate and her statement was recorded under Section 164 Cr.P.C. (Annexure R-2), where again she did not level any allegation against any person. Subsequently, victim under the pressure of her family deposed as PW-1 (Annexure P-4) and changed her entire version in the said statement. Therefore, considering the aforesaid factual position, application filed by petitioner under Section 358 BNSS, 2023 for summoning of additional accused, namely, Anisha and Wajid was rightly declined. Criminal revision preferred by petitioner is without merits and same deserves dismissal.

6. I have considered the arguments and have gone through the record carefully. Present petitioner who is complainant and father of victim during pendency of trial filed application under Section 358 BNSS, 2023/319 Cr.P.C. for summoning of additional accused Anisha and Wajid



(Annexure P-5). Said application has been declined by learned Additional Sessions Judge, Fast Track Special Court for trial of offences under POCSO Act, Nuh by passing detailed order dated 24.02.2025. It is matter of record that FIR is lodged on the statement of father of victim/petitioner. As per facts narrated by him, he stated that his minor daughter was kidnapped by main accused Samim Ahmed @ Samma along with his sister Anisha and brother-in-law Wajid. As per facts of case, victim left the house on the intervening night of 09/10.04.2024. It is matter of record that during this period, Samim Ahmed @ Samma and victim filed CRWP-3330-2024 seeking protection of their life and liberty, whereas, petitioner/father of victim filed CRWP-3523-2024, writ in the nature of Habeas Corpus. At the time of disposal of criminal writ petition bearing No. CRWP-3523-2024, statement of victim was recorded, where she did not level any allegation against main accused Samim Ahmed @ Samma or any of his family member. Victim was recovered and her statement was recorded by learned Judicial Magistrate Ist Class, Nuh under Section 164 Cr.P.C. on 26.06.2024 (Annexure R-2), where again she did not level any allegation against respondents No. 2 and 3 i.e. Anisha and Wajid. Subsequently, on completion of investigation, challan was presented. For the first time when statement of victim was recorded as PW-1 (Annexure P-4), she levelled allegations against Anisha (sister of main accused) and Wajid (brother-in-law of main accused). In order to summon additional accused, complainant/prosecution was required to bring sufficient material on record to justify their application under Section 358 BNSS, 2023/319 Cr.P.C. In the case in hand as referred above, victim levelled allegations against



respondents No. 2 and 3 for the first time when she stepped into the witness box as PW-1 (Annexure P-4).

Considering the aforesaid factual position coupled with facts and circumstances of present case, I do not find any illegality or irregularity committed by learned Additional Sessions Judge, Fast Track Special Court for trial of offences under POCSO Act, Nuh while passing impugned order dated 24.02.2025. Learned trial Court has rightly considered the basic principle for summoning of additional accused under Section 358 BNSS, 2023/319 Cr.P.C. and rightly rejected application filed by petitioner. With this observation, criminal revision preferred by petitioner is, accordingly dismissed.

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

18.03.2026

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(AMARJOT BHATTI)
JUDGE

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