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

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Date of Decision:-30.09.2025

Rahish and Others

...Petitioners

Vs.

State of Haryana and Anr.

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Iqbal Singh Saggu, Advocate
for the petitioners.

Mr. Ved Parkash, Senior DAG, Haryana.

Mr. Sanyam Khetarpal, Advocate for respondent No.2.

AMARJOT BHATTI, J.

1. Petitioners – Rahish, Aamir and Dilshad have filed criminal revision against impugned order dated 19-05-2025 passed by learned Additional Sessions Judge, (Fast Track Special Court for Trial of Offences under POCSO Act), Nuh vide which application filed by prosecution under Section 319 Cr.P.C. for summoning of additional accused in FIR No.184 dated 15.05.2021, under Section 6 of POCSO Act, Section 363, 342, 506, 212, 201 of IPC, registered at Police Station Ferozepur Jhirka, District Nuh, has been allowed in a wrongful, illegal and unjustified manner with a prayer to set aside the same.

2. As per the facts of the case, FIR is lodged on the statement of complainant 'H' (father of the victim) who stated that his daughter 'J', aged about 15 years was studying in 10+1 Class in a private school at Raniyala, Ferozepur, Jhirka. In routine, he was sleeping in his house along



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with the family and at about 2:00 AM, he woke up and saw that his daughter was not there in the house. He along with his family started looking for the victim 'J'. Thereafter, he checked the house and found that cash and jewellery was also missing from the house. Finally, the matter was reported to the police, on the basis of which present FIR has been registered.

3. The investigation was carried out. The birth record of victim was procured from the school, according to which her date of birth was recorded as 06-03-2005. Statement of complainant was recorded under Section 161 Cr.P.C. where he named Wajid, Jahid, Dilshad and Aamir who enticed away his daughter. The offence under Section 346 of IPC was deleted and the offence under Section 363, 366-A of IPC were added. On the recovery of victim, her statement was recorded under Section 164 Cr.P.C. and thereafter the offence under Section 323, 379-B, 342, 376, 506 of IPC and Section 6 of POCSO Act were added. After completion of investigation, challan was presented against Wajid Ali and Karar on 28-07-2023. The charges were framed and on recording the statement of victim, application was filed under Section 319 Cr.P.C., which was disposed of by passing impugned order dated 19-05-2025.

4. Learned counsel for petitioners argued that there was no proper appreciation of facts and circumstances of the case. There was no kidnapping/abduction of the victim. She willingly accompanied Wajid. She was on talking terms with Wajid and had no concern with the present petitioners. Later on, it was found that the victim did not take away money or jewellery along with her as claimed by the complainant. Proper

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investigation was carried out and the present petitioners along with other co-accused were found to be innocent and the challan was presented only against Wajid Ali and Karar. The statement of victim recorded under Section 164 Cr.P.C. is Annexure P-2 and the statement of victim recorded by the investigating agency is Annexure P-3. The challan presented in this case is Annexure P-6 where the present petitioners were kept in column No.12 of the challan report. The statement of the victim recorded in the court as PW-6 is annexed as Annexure P-7. Without proper appreciation of facts and the investigation carried out by the police, application for summoning of additional accused has been allowed vide impugned order dated 19-05-2025. It is prayed that criminal revision preferred by the petitioners may be allowed and the impugned order passed by learned trial Court may kindly be set aside.

5. Learned counsel representing State filed status report confirming the factual position. It is confirmed that during investigation, it was found that the victim 'J' and accused Wajid Ali were in conversation with each other. The proposed accused including the petitioners were not found to be in conversation either with the victim or with Wajid Ali at the time of said occurrence. Therefore, the investigating agency kept the present petitioners Rahish, Aamir, Dilshad and other co-accused Adil and Jahid in column No.12 of the challan report. However, on application filed under Section 319 Cr.P.C (Annexure P-8), the learned trial Court has passed the order dated 19-05-2025 summoning the additional accused to face trial along with the main accused.

6. Learned counsel for respondent No. 2 further pointed out that

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present petitioners were consistently named and specific role is attributed to them. Therefore, they were rightly summoned to face the trial, under the provisions of Section 363, 366 read with Section 34 of IPC and Section 212 of IPC as detailed therein. Revision preferred by the petitioners deserves dismissal.

7. I have considered the arguments and have gone through the record carefully. FIR was lodged on the statement of complainant 'H', who is father of the victim 'J'. As per the statement of complainant, on the day of occurrence, the complainant and his family went to sleep and when he woke up in the mid of night, he noticed that the victim was missing from the house. He searched for the victim but could not locate her. He further claimed that the victim had taken away cash and jewellery while leaving the house. Finally, the present FIR was lodged. During investigation, the school record of the victim was collected, according to which her date of birth is 06-03-2005. Therefore, at the time of said occurrence, the victim was minor. Later on, supplementary statement of the complainant was recorded where he had named the accused namely Wajid, Jahid, Dilshad and Aamir. Finally, during investigation, the victim was recovered. Her statement was recorded under Section 164 Cr.P.C. (Annexure P-2). The statement of victim recorded under Section 161 Cr.P.C. dated 08-06-2021 is Annexure P-3. Perusal of both the statements clearly indicate that the victim had named present petitioners Rahish, Aamir and Dilshad along with other co-accused. The day victim left the house, all of them were accompanying the main accused Wajid Ali already facing trial in this case. Apart from this, statement of victim was also recorded in the court as PW-6

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which is Annexure P-7 where she again named the petitioners along with other co-accused and specific role was attributed to them. The investigating agency merely on the basis of call detail record came to the conclusion that the petitioners and other co-accused kept in column No.12 of the challan report were not arrayed as accused. As per the investigating agency, the victim was in touch with main accused Wajid on phone. She might not be in contact with the petitioners or other accused, but from the very beginning, the victim consistently stated that the petitioners and other co-accused accompanied Wajid when she was kidnapped from her house. At this stage, there is no reason to discard the consistent version of the victim recorded from time to time during investigation as well as when she stepped into the witness box as PW-6 (Annexure P-7). In the light of this, I do not find any illegality or irregularity committed by the learned trial Court by summoning the petitioners Rahish, Aamir and Dilshad along with Aadil and Jahid to face the trial, with the main accused by passing order dated 19-05-2025. Consequently, the impugned order passed by the learned trial Court is upheld and criminal revision preferred by the petitioners is accordingly declined.

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

30.09.2025

*Sunil Devi***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No