



CRM-M-31384-2017 (O&M)

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

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CRM-M-31384-2017 (O&M)

Date of decision : 21.05.2025

Ravneet Singh @ Ravjeet Singh @ Ravi

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Jasreet Singh Malik, Advocate for
Mr. Mansur Ali, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

None for respondents No. 2 and 3.

AMARJOT BHATTI J. (ORAL)

1. Petitioner – Ravneet Singh @ Ravjeet Singh @ Ravi has filed petition under Section 482 Cr.P.C. seeking quashing of order dated 16.05.2017 (Annexure P-5) passed on application under Section 319 Cr.P.C. by learned Additional Sessions Judge, Fatehgarh Sahib in case titled “State Vs. Lovepreet Singh and others” arising out of FIR No. 0055 dated 15.03.2016 under Section 363, 363-A, 366, 366-A of IPC (Section 342, 376, 376-D IPC and Section 6 of POCSO Act, 2012 added later on) registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib (Annexure P-1), vide which he has been summoned as additional accused.



2. Brief facts of the case are complainant 'TS' father of the victim gave his statement that he was doing private job and his wife was working as domestic helper. He is father of three daughters and a son. He and his wife worked from 08:00 AM to 05:00 PM and returned home at about 06:00 PM. On 14.03.2016, when he and his wife returned home at about 06:00 PM, they found that his daughter and son were terrified and told them that their sister i.e. victim 'R' had left the house about two hours ago and did not return home. They started searching for victim and suspected that some unknown person had allured the victim on pretext of marriage. With these allegations, present FIR was registered.

3. During investigation, victim was recovered and her statement was recorded under Section 164 Cr.P.C. Initially, FIR was registered under Section 363-A and 366 of IPC and later on offences under Section 6 of POCSO Act and under Section 342, 376-D of IPC were added. On completion of investigation, challan was presented against three accused Lovepreet Singh, Sukhjit Singh and Jatinder Singh @ Jimmy. After recording of statement of victim, prosecution filed application under Section 319 Cr.P.C. to summon present petitioner as additional accused, who was earlier kept in column no. 2 of challan report. After hearing arguments, application under Section 319 Cr.P.C. was allowed by passing impugned order dated 16.05.2017 (Annexure P-5). Feeling aggrieved of this order, present petition was filed.

4. Learned counsel for petitioner argued that he is falsely implicated in aforesaid FIR No. 55 dated 15.03.2016 (supra) (Annexure P-1). He was not named as accused in FIR. Thereafter, statement of victim under Section 164



Cr.P.C. was recorded by Judicial Magistrate Ist Class on 18.03.2016 (Annexure P-2), where again there were no allegations of rape against him. During inquiry, he was found innocent by Deputy Superintendent of Police, Circle Amloh and inquiry report dated 31.12.2016 is Annexure P-3. Alleged victim changed her version altogether when she stepped into the witness box as PW-4 and levelled allegations of rape against him and resiled from her previous version regarding the accused who were already facing trial. Statement of said victim recorded as PW-4 is Annexure P-4. Therefore, there was no proper appreciation of the facts and statements of victim recorded from time to time. Impugned order dated 16.05.2017 (Annexure P-5) is not sustainable in the eyes of law. There was no sufficient evidence on record to summon him under the provisions of Section 319 Cr.P.C. It is submitted that present petition filed by petitioner may be accepted and impugned order dated 16.05.2017 (Annexure P-5) passed by learned Additional Sessions Judge, Fatehgarh Sahib may kindly be set aside.

5. Learned counsel representing State admitted aforesaid factual position. It is pointed out that amended charge-sheet has already been framed. Facts of the case can be decided on the basis of testimonies of prosecution witnesses examined during trial. Present petitioner was initially found innocent and was not challaned with other accused. He is rightly summoned vide order dated 16.05.2017 (Annexure P-5) on the application filed by prosecution under Section 319 Cr.P.C.

6. I have considered the arguments and documents annexed with present petition. FIR No. 55 dated 15.03.2016 (supra) (Annexure P-1) was lodged on the statement of 'TS' complainant who is father of victim 'R'.



Factual position was clarified when victim was recovered and her statement was recorded before Judicial Magistrate Ist Class under Section 164 Cr.P.C. (Annexure P-2). Facts narrated by victim indicate that on the day of occurrence at about 07:30 PM, she was called by Ravi present petitioner to meet him backside of Quality Mill. Victim went there to meet Ravi who left her at grain market and thereafter, she came in contact with other accused namely Tejinder Singh @ Jimmy and Lovepreet Singh, who took her to the house of their maternal aunty. She was confined in room where she was repeatedly raped by aforesaid Tejinder Singh @ Jimmy and Lovepreet Singh. She was not allowed to go out for three days and was repeatedly sexually abused and beaten up. Thereafter, she got a chance to escape from there and reached Smadh of Baba Peer, where she met one of the friend of her father who informed her parents and police also came there.

In the aforesaid statement, victim did not specifically state that she was raped by Ravi present petitioner. However, when her statement was recorded as PW-4, she categorically stated that Ravi had called her by saying that he wanted to marry her and on this she agreed to join him in his car. He took her to some distant place in a vacant house where he committed forcible sexual intercourse with her against her wishes. After the said act, he left her and fled away. In this statement, victim did not state anything regarding the accused who were already facing trial.

In the case in hand, this Court is concerned with regards with the allegations which are levelled against present petitioner. Firstly, victim is a minor girl. It is her initial stand that she was called by present petitioner and she



had gone there to meet him. When she stepped into the witness box, she further elaborated regarding the rape committed by present petitioner. It is not the case that present petitioner is named for first time when victim stepped into the witness box as PW-4. Father of victim had also reported to police that his daughter was taken away by someone by giving her allurements of marriage. In the light of aforesaid facts and circumstances of case, learned Additional Sessions Judge, Fatehgarh Sahib summoned present petitioner as additional accused to face trial in aforesaid FIR (Annexure P-1).

7. Considering the aforesaid factual position, I do not find any reason to interfere in impugned order dated 16.05.2017 (Annexure P-5) passed by learned Additional Sessions Judge, Fatehgarh Sahib and same is, accordingly, upheld, consequently, present petition filed by petitioner Ravneet Singh @Ravjeet Singh @Ravi is dismissed.

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

(AMARJOT BHATTI)
JUDGE

21.05.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No