

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

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**CRM-M No. 31110 of 2016  
Date of decision : 27.9.2016**

**Aarti**

**.....Petitioner**

**v.**

**State of Union Territory, Chandigarh and others**

**.....Respondents**

**CORAM : HON'BLE MS. JUSTICE RITU BAHRI**

Present : Mr. Sanjjev Banga, Advocate, for the petitioner

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**Ritu Bahri, J. (Oral)**

The present petition has been filed for setting aside the order dated 13.7.2016 (Annexure P-3) vide which application filed by the petitioner under Section 311 Cr.P.C. (Annexure P-1) for summoning a doctor as prosecution witness was dismissed.

Perusal of the order shows that the complainant in her evidence has not disclosed that abortion had taken place on account of conduct of the accused. Even she never disclosed this fact during her cross examination. An attempt is being made to summon the doctor as per the deposition made by the mother that when her daughter was abroad, she received injuries.

This is not sufficient to allow the application because the application is made only to fill up the lacuna of her complaint, especially, keeping in view that the complainant neither in her examination-in-chief nor in cross examination has told about her abortion.

The petition stands dismissed.

**(RITU BAHRI)  
JUDGE**

**27.9.2016**

*Ashwani*

Speaking/Reasoned  
Reportable

Yes/No  
Yes/No