

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

**117**

**CRM-M-12073 of 2017**

**Date of decision: 17.04.2017**

**Munish and others**

**...PETITIONERS**

**VERSUS**

**State of Haryana and another**

**....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

**Present: Mr. Tejinder Pal Singh, Advocate,  
for the petitioners.**

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**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Petitioners have approached this Court challenging the order dated 22.03.2017 (Annexure P-4) passed by the Additional Sessions Judge-cum-Special Court for the cases of Heinous Crime against Women, Karnal, whereby the request of the petitioners for recall of PW1 Dr. Vijay Pal Khanagwal for further cross-examination has been declined although the prayer with regard to the recall of PW4 Nupur Khanna and PW6 Ajay Mal has been accepted.

It is the contention of the learned counsel for the petitioners that at the time when the challan was presented, the reports of FSL were not available and now the same are supplied to the petitioners. He contends that

it is during the trial that the said reports were received and rather the same were received after 12 witnesses were examined. He, thus, contends that PW1 Dr. Vijay Pal Khanagwal having given his evidence prior to the receipt of the reports of FSL could not be confronted with the said reports and, therefore, further cross-examination of PW1 Dr. Vijay Pal Khanagwal would be essential. He, thus, contends that the impugned order dated 22.03.2017 (Annexure P-4) passed by the trial Court deserves to be modified to the said extent by permitting the recall of the material witness of Dr. Vijay Pal Khanagwal for cross-examination.

I have considered the submissions made by the learned counsel for the petitioners and have also gone through the impugned order but do not find any substance in the arguments, as raised by the counsel for the petitioners.

A perusal of the impugned order would show that PW1 Dr. Vijay Pal Khanagwal had proceeded to conduct the postmortem on the dead body of the deceased Ruchi, who had been identified by Ajay Mal and Sandeep Rajpal, cousins of the deceased. In their statement, there is no such suggestion put to these witnesses with regard to the identity etc. of the deceased and in any case, Dr. Vijay Pal Khanagwal had only proceeded to conduct the postmortem on the basis of the identification made of the dead body of Ruchi by the above referred two persons and, therefore, would not be material as far as the FSL reports, which have now been received by the Court as also the parties.

The order, as has been passed by the Court below being in accordance with the facts and circumstances of the case fulfilling the mandate of the Statute and the law as laid down by the Supreme Court,

reference whereof has been made in para-6 of the said order, no interference in the impugned order is called for. The petition, therefore, stands dismissed.

**April 17, 2017**  
*pj*

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**Whether speaking/reasoned: Yes**

**Whether Reportable: No**