

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

**CRM No. M-27925 OF 2017
DECIDED ON :28.08.2017**

Jaswant Kaur

...Petitioner

versus

Bhag Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Arihant Jain, Advocate,
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

CRM NO. 26841 OF 2017

This is an application for placing on record the order dated 21.07.2017 (Annexure P-9) and report dated 13.09.2011 (Annexure P-10).

For the reasons mentioned in the application, same is allowed and documents Annexures P-9 and P-10 are taken on record, subject to all just exceptions.

MAIN CASE

The petitioner has assailed the order dated 30.11.2016 (Annexure P-4) passed by Judicial Magistrate Ist Class, Amloh whereby her application under Section 311 Cr.P.C for examining a doctor of the Medical Board, has been dismissed, as well as, order dated 11.07.2017 (Annexure P-6) passed by Sessions

Judge, Fatehgarh Sahib, whereby revision there-against, has also been dismissed.

Learned counsel for the petitioner contends that complainant had lodged a criminal complaint under Sections 323/452/148/149 IPC against the accused. He further contends that examination of Dr.Kuldeep Singh, who was member of the Medical Board which conducted supplementary medico-legal examination of the complainant and injured-Balbir Singh, is necessary for proper adjudication of the matter.

Learned counsel further contends that earlier an application was filed for examination of Dr.H.Matta but inadvertently and due to lapse on the part of complainant, it could not be mentioned therein that Dr.Kuldeep Singh who was member of the Medical Board, was also required to be examined. He further states that no other member of Medical Board, which carried out the supplementary medico-legal examination of complainant and injured Balbir Singh, has been examined. He further prays that only one opportunity be given to the petitioner to examine Dr.Kuldeep Singh and there is no question of the petitioner intending to delay the trial.

In view of the limited nature of the prayer made by the petitioner, I do not intend to issue notice to the respondent while deciding this petition.

The petitioner had filed an application for examination of Dr.Kuldeep Singh who was member of the Medical Board which

had submitted the report of supplementary medico-legal examination of complainant and injured Balbir Singh. For proper adjudication of the matter and in the interest of justice, the petitioner deserves to be granted one opportunity to examine Dr.Kuldeep Singh.

Consequently, the instant petition is allowed and the impugned orders dated 30.11.2016 (Annexure p-4) and 11.07.2017 (Annexure P-6) are hereby set-aside. The petitioner shall be granted only one opportunity by the trial Court to examine Dr. Kuldeep Singh.

(ANUPINDER SINGH GREWAL)
JUDGE

AUGUST 28, 2017
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| 1. Whether speaking/reasoned : | YES/NO |
| 2. Whether reportable : | YES/NO |