

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

CRM-M-45712-2016

Date of decision: 15.03.2017

Tinku Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.S. Bassi, Advocate,
for the petitioner.

Mr. A.P.S. Gill, AAG, Punjab.

Ritu Bahri, J.

This petition has been filed against the order dated 12.12.2016 (Annexure P-11) passed by the Special Judge, SAS Nagar, whereby application filed by the petitioner under Section 311 Cr.P.C. for recalling of prosecutrix (PW-1) and L.C. Hargunpreet Kaur (PW-4) for re-examination has been dismissed.

At this stage, learned counsel for the petitioner restricts his prayer to recall the prosecutrix (PW-1), who was examined on 14.10.2016.

Application of the petitioner has been dismissed on the ground that after availing full opportunity to cross-examine the prosecution witnesses, no case for recalling them was made out.

Learned State counsel is not disputing the fact that even after registration of the FIR, complaint was made by father of the prosecutrix to the effect that she had gone missing on 16.11.2016 and thereafter, she was recovered on 19.11.2016. Thereafter, she made a statement that she had

gone of her own free will.

Now, the petitioner intends to cross-examine the prosecutrix with regard to the letters dated 07.07.2016, 17.10.2016 and 19.11.2016.

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the petitioner, I deem it appropriate to provide some more time to the petitioner to cross-examine the prosecutrix.

Resultantly, this petition is partly allowed, impugned order dated 12.12.2016 (Annexure P-11) is set aside and one effective opportunity is granted to the petitioner to re-examine the prosecutrix (PW-1).

15.03.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No