

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

CRR No.378 of 2017

Date of Decision: 06.02.2017

Surinder Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vikas Bali, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

Petitioner is seeking setting aside the order dated 17.01.2017 whereby, application dated 16.12.2016 under Section 311 Cr.P.C. for recalling PW-1(complainant) and PW-2(prosecutrix) has been dismissed.

A perusal of the order shows that complainant-Raj Kumar was examined as PW-1 as per Annexure P-3 (colly) and Manpreet Kaur was examined as PW-4 as per Annexure P-4 (Colly). The only ground for cross-examining the complainant and prosecutrix on the basis of report of ultrasound dated 03.05.2015 wherein the fetus was found to be 6 weeks and 4 days and this was not in the knowledge of the petitioner when he had cross-examined.

This argument is liable to be rejected as the alleged rape was committed on 27.02.2015 and she was medically examined on 01.03.2015. As such, the age of the fetus is more than from the date of ultrasound or the date of incident and it is also more than the date of last menstrual period cycle of the patient.

In view of the above, no ground is made out to interfere in the impugned order dated 17.01.2017 and the present petition is dismissed as such.

**(RITU BAHRI)
JUDGE**

06.02.2017

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>