

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

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CRM-M-12897-2018

Date of Decision: 28.03.2018

Jassi Singh @ Jassy Singh

...Petitioner

Versus

State of Punjab and anr.

...Respondents

CORAM:- HON'BLE MS. JUSTICE LISA GILL.

Present:- Mr. Jaideep Verma, Advocate,
for the petitioner.

LISA GILL, J. (Oral)

This petition has been filed to set aside order dated 09.03.2018 (Annexure P-7) passed by the learned Additional Sessions Judge, Fatehgarh Sahib whereby application under Section 311 Cr. P.C. filed by the petitioner has been declined.

The petitioner is an accused in FIR No. 18 dated 07.04.2017, under Sections 363, 366A IPC, registered at P.S. Bassi Pathana. Application under Section 311 Cr. PC was moved for recalling of the prosecutrix (PW-4) with a plea that certain relevant and material facts could not be put to the said witness which came into the knowledge of the accused later.

Learned trial Court dismissed the application while specifically observing that the prosecutrix was examined-in-chief on 12.09.2017 and her cross-examination was deferred at request of the defence and she was subjected to a lengthy cross-examination on 14.09.2017. Learned trial Court specifically observed that no such material aspects have been put forth which justify recall of the prosecutrix. Aggrieved therefrom this petition has been filed.

Learned counsel for the petitioner vehemently argues that the prosecutrix in this case had eloped with another person after the registration of the present FIR on 07.04.2017. Father of the prosecutrix had even disowned her. Reference is made to the publication in the newspaper on 28.07.2017 (Annexure P-5). A complaint was lodged by the father of the prosecutrix in regard to her elopement with another person as mentioned above. The matter was however compromised and the prosecutrix got married to the said person subsequently. In this situation, it is submitted that recall of the prosecutrix is essential.

I have heard learned counsel for the petitioner and have gone through the file. Statement of the prosecutrix (PW-4) as well as her cross-examination are attached as Annexures P-3 and P-4, respectively. A perusal of the cross-examination of the said witness reveals that the notice of dis-inheritance published on 28.07.2017 has been duly put to PW-4. Suggestions regarding her subsequent elopement with another person have also been put to the said witness. Thus the argument raised by learned counsel for the petitioner is not borne out from the record.

Learned counsel for the petitioner is unable to point out any illegality or infirmity which calls for interference by this Court in exercise of jurisdiction under Section 482 Cr. P.C. in the impugned order dated 09.03.2018 passed by the learned Additional Sessions Judge, Fatehgarh Sahib.

This petition is accordingly dismissed.

March 28, 2018
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(LISA GILL)
JUDGE