

CRM-M-7802-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

257

CRM-M-7802-2023  
Date of Decision:-26.05.2023

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.....Petitioner

Versus

State of Punjab and others

.....Respondent

**CORAM: HON’BLE MR. JUSTICE ALOK JAIN**

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Present: Mr. Parunjeet Singh, Advocate for  
Mr. Imran Ahmad Ali, Advocate for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

Mr. Jasraj Singh, Advocate for respondents No.2 to 4.

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**ALOK JAIN, J. (Oral)**

1. The present petition is for setting aside the order dated 11.01.2023 passed by Learned Additional Sessions Judge, Fast Track, Special Hoshiarpur, whereby the application under Section 311 Cr.P.C. for re-examination and recording the statement of the prosecutrix was dismissed.

2. Learned counsel for respondents No.2 to 4 has put in appearance and does not oppose the petition rather submits that both the parties were in a consensual relationship and the FIR was lodged on the basis that the accused would divorce his first wife, which was not done.

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3. Learned counsel for the petitioner relies upon the judgment passed by the Hon’ble Supreme Court of India in case titled as “*Rama Paswan and others Vs. State of Jharkhand*”, to submit that the basic object of Section 311 Cr.P.C. is to r e-examine any witness to bring out the truth.

4. In light of the above, the present petition is allowed and the order dated 11.01.2023 is set aside. Petitioner is directed to appear before the trial Court on the next date of hearing and proceed in the matter. The trial Court is directed to conclude the trial as early as possible.

(ALOK JAIN)  
JUDGE

May 26, 2023  
Parul

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|-----------------------------|--------|
| Whether speaking/reasoned:- | Yes/No |
| Whether Reportable:-        | Yes/No |