

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

CRM-M No.30115 of 2023 (O&M)
DATE OF DECISION : 05.07.2023

Jasmeet Kaur

.....Petitioner

versus

State of Punjab and Another

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajdeep Singh Chugh, Advocate for the petitioner

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ALKA SARIN, J. (Oral):

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (CrPC) for quashing the order dated 11.05.2023 passed by the Judicial Magistrate Ist Class, Ludhiana in FIR No.21 dated 26.02.2016 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station Women Cell, District Ludhiana dismissing the application filed by the petitioner under Section 311 CrPC.

2. The petitioner herein had moved an application under Section 311 CrPC for summoning the Investigating Officer Satnam Singh No.671 as also for recalling the complainant to tender the certified copy of the petition under Section 9 of the Hindu Marriage Act, 1955 along with the order dated 11.02.2019 and petition under Section 125 CrPC and reply thereto. Vide the

impugned order, the Trial Court observed that the person i.e. Satnam Singh qua whom the application under Section 311 CrPC was filed, already stood examined and cross-examined. Learned counsel for the petitioner has pointed out that there are two Satnam Singh – one was Satnam Singh Constable No.2150, Police Station Women, District Ludhiana and the other was SI Satnam Singh No.671, Police Station Women, District Ludhiana. The learned counsel has further contended that it is Constable Satnam Singh No.2150 of Police Station Women, Ludhiana, who stands examined. However, SI Satnam Singh No.671, Police Station Women, District Ludhiana has not been examined till date.

3. On the previous date i.e. 03.07.2023, the learned counsel for the State had sought time to get instructions. Learned counsel for the State, on instructions from ASI Davinder Pal Singh, has stated that only Constable Satnam Singh No.2150, Police Station Women, District Ludhiana has been examined and the Investigating Officer SI Satnam Singh No.671, Police Station Women, District Ludhiana has not been examined till date.

4. In view of the statement made by the learned State counsel, the impugned order dated 11.05.2023 is not sustainable. The same is accordingly set aside and the application under Section 311 CrPC stands allowed. Let the Investigating Officer Satnam Singh be examined in accordance with law. Pending applications, if any, also stand disposed off.

05.07.2023
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
