

2024:PHHC:135720



CRM-M-48009-2024 (O&M)
DATE OF DECISION : 16.10.2024

DALJIT SINGH ... PETITIONER
V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ritesh Grover, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) is for quashing of the order dated 01.07.2024 passed by Ld. Judge Special Court, Barnala whereby the application filed by the petitioner under Section 311 Cr.PC for recalling the complainant, PW1 and the 'Child Victim' PW2 was declined in FIR No. 60 dated 10.08.2023 under Sections 363, 376-AB IPC and Section 6 of Protection of Children from Sexual Offences Act, registered at Police Station Bhadaur, District Barnala.

2. Learned counsel for the petitioner contends that some material facts could not be put to the witness when their examination was being conducted. As such, the said application was moved.

3. The perusal of the paper-book reveals that age of the victim is 3 years. Her statement was recorded on 15.11.2023. The trial Court has recorded the statement in a questionnaire form. Cross-examination was also conducted on the same very day by Sh. Dhiraj Kumar, Advocate appearing on behalf of the petitioner. Apart from that, the complainant PW1 has also been cross-examined at length.

4. Learned counsel for the petitioner contends that some legal questions were to be put to the witness. The said contentions cannot be made the basis for recalling of the witness, moreso, when legal questions are not permitted to be asked to a witness. The cross-examination is to be done on factual aspects. In view of such circumstances, no illegality and irregularity is there in the impugned order. Consequently the present petition stands dismissed.

5. Pending miscellaneous application(s), if any, shall also stand disposed of.

16.10.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No