



CRM-M-28538-2025

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

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Date of decision : 22.05.2025

Harpreet Singh

..... Petitioner

V/S

State of Punjab and Anr.

..... Respondents

**CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI**

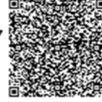
Present: Mr. Ashok Giri, Advocate for petitioner.

Mr. Japjot Singh, AAG, Punjab.

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**AMARJOT BHATTI J. (ORAL)**

1. Petitioner – Harpreet Singh filed this petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside impugned order dated 18.04.2025 (Annexure P-5) passed by learned trial Court whereby application under Section 311 Cr.P.C./Section 348 BNSS, 2023 for further cross-examination of victim examined as PW-2 in FIR No.97 dated 19.07.2022, under Sections 354-D, 509, 506, 384, 376, 201 of IPC, Sections 12, 4 of POCSO Act and Section 67 of I.T. Act (Annexure P-1) registered at Police Station Division No.4, District Jalandhar has been wrongly declined.
2. Learned counsel for petitioner argued that during the pendency of trial, he had filed application under Section 311 Cr.P.C. to recall the victim examined as PW-2 for further cross-examination. It is pointed out that earlier present petitioner was behind the bars, on his release, he received his mobile phone on *superdari* in which there were photographs of the alleged victim with the petitioner which clearly indicates that their relationship was consensual. Therefore, allegations of forcible rape are not sustainable. In order to prepare his

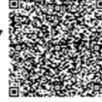


defence, further cross-examination of alleged victim as PW-2 was necessary. The application filed under Section 311 Cr.P.C. was declined by learned trial Court without any valid justification, hence the present petition.

3. On advance notice, Mr. Japjot Singh, AAG, Punjab appears and accepts notice on behalf of State. He admitted the factual position.

4. I have considered the arguments and have gone through the record. Present FIR was lodged on 19.07.2022 on the statement of prosecutrix who claimed that she was 17 years of age and had appeared in 12<sup>th</sup> class examination from M.G.N. School, Jalandhar. She had joined dance class and there she came in contact with Harpreet Singh. He claimed his age as 20 years and further stated that he was having many shops and big business of car bazar. He also took money from her by making excuses. She came to know that he lied about his age and business. She stopped talking to him. Said Harpreet Singh started blackmailing her. He also joined the same GYM and used to follow her despite her resistance. He even threatened and abused her. He also started threatening her on mobile phone and WhatsApp chat. Initially, she did not disclose anything to her parents and finally, she disclosed everything to her parents and came to lodge the report.

5. As per record, statement of prosecutrix was recorded as PW-2 and she was cross-examined in detail on two occasions. Complete statement of prosecutrix is Annexure P-2. Now there is a prayer to recall this witness to confront her with the alleged photographs recovered from the mobile phone. Firstly, the prosecutrix has not denied her friendly relationship with the petitioner. As per the case of prosecutrix, dispute arose when she came to know about the reality of petitioner. She wanted to get rid of him but he was insisting on the relationship. As a result, he allegedly followed her and threatened her personally



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as well as by sending messages on her mobile phone. All the facts were well within the knowledge of petitioner, therefore, in case he wanted to confront her with any photograph, he could have done it earlier. Testimony of prosecutrix (Annexure P-2) indicates that she has been cross-examined in detail on all aspects of the case. Therefore, I do not find any force in the arguments advanced by learned counsel for petitioner. At the same time, the case is fixed for defence evidence and arguments, therefore, present petitioner has the opportunity to lead evidence in his defence as per his choice.

Considering the aforesaid factual position, I do not find any reason to interfere in the impugned order dated 18.04.2025 and the same is accordingly upheld and the petition filed by petitioner is accordingly declined.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

**(AMARJOT BHATTI)**  
**JUDGE**

**22.05.2025.**

*Sunil Devi*

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