

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

**Criminal Misc. No. M-29186 of 2015
Date of Decision: 03.09.2015**

Surinder Kaur @ Shindo @ Chhindo & others.

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. J.S. Grewal, Advocate
for the petitioner (s).

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 CrPC is for quashing the orders dated 15.12.2014 Annexure P-7 and Annexure P-8 whereby the petitioners have been chargesheeted for offence under Sections 307, 323, 324, 326, 148 IPC read with Section 149 IPC by learned Additional Sessions Judge, FTC, Rupnagar.

Learned counsel for the petitioners contends that the charges have been framed without verifying the contents of challan dated 4.9.2014 (Annexure P-6), wherein the alleged injuries attributed to the petitioners are not dangerous to life. He further

submits that the ingredients of Section 307 IPC i.e. 'intention' and 'knowledge' are completely missing in the challan. There is no injury attributed to the petitioners on the vital parts of the body of the complainant/injured. As per the medical record, the alleged injuries on the person of the injured Kuldeep Singh which were declared as grievous were not on vital parts of the body, rather on hands, whereas the injuries on Sukhwinder Kaur were declared as simple in nature. Thus, the charges framed against the petitioners under Section 307 IPC are illegal.

I have heard learned counsel for the petitioner.

On the request of SHO, P.S. Anandpur Sahib, vide letter dated 30.9.2013 addressed to Senior Medical Officer, it is reported that the patient namely Kuldeep Singh CR No.4140162 was admitted to PGI, Chandigarh on 22.9.2013 with the history of assault by 5-6 persons who had given beatings to him by their sharp weapons. The complainant sustained fracture of left ulna Grade-II and Ulnar artery cut and Rt Ulna Grade-III C Fauomaxillary injury (FMI), which is grievous in nature.

The Court while framing the charge, has to satisfy itself that there is sufficient ground to presume that the accused has committed the offence and the Court has to form an opinion about the case to be *prima facie* in nature. The Court is not required to see as to whether there is sufficient material with the prosecution for the conviction of the accused or not and the evidence proposed to be led

by the prosecution is not to be judged at the stage of framing of charge. The Court is required to see only the *prima facie* case and in case the *prima facie* case is made out, the accused person is liable to be charged for the offence.

Taking into consideration the nature of injuries caused to the complainant but without commenting upon the merits of the case, I find no illegality in the orders dated 15.12.2014, whereby charges have been framed against the petitioners. It is during the trial, the aforesaid offences are to be established and this Court is not required to interfere at this stage.

In view of the above, no interference is called for in the impugned orders dated 15.12.2014 and the present petition is dismissed.

September 03, 2015
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(HARI PAL VERMA)
JUDGE