

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

**(I) CRR No.2398 of 2015**

**Date of decision : 01.10.2015**

Balwant Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

**(II) CRR No.2839 of 2015**

**Date of decision : 01.10.2015**

Sandeep Kumar and others

...Petitioners

Versus

State of Punjab

...Respondents

**CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

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Present: Mr. N.S. Boparai, Advocate,  
for the petitioners in CRR-2398-2015.

Mr. M.K. Singla, Advocate,  
for the petitioners in CRR-2839-2015

Mr. Luvinder Sofat, AAG, Punjab.

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**JITENDRA CHAUHAN, J.**

Challenge in the above noticed two revision petitions,  
being disposed of by this single judgment of mine, is to the order

dated 02.06.2015, passed by the learned Additional Sessions Judge, Sangrur (for short, 'the impugned order'), whereby, the accused-petitioners in CRR-2398-2015 have been charged to face trial under Sections 308, 341, 323, 506, 148, 149 of the Indian Penal Code (for short, 'the IPC'). The petitioners (injured-complainant) in CRR-2839-2015 are aggrieved of the fact that no charge under Section 307 IPC has been framed against the accused persons. Despite the opinion of the Medical Board that injuries on the person of injured-Pardeep, could be dangerous to life.

The learned counsel for the accused-petitioners contends that the impugned order is totally non-speaking and the learned trial Court has framed the charges against the accused-petitioners without there being any incriminating evidence on record. No reasons, whatsoever, have been recorded by the learned trial Court while passing the impugned order.

On the other hand, the learned counsel for the injured-complainant contends that initially, the FIR was registered under Sections 323, 341, 506, 148, 149 IPC. Subsequently, on the basis of the CT scan report of Pardeep Singh, injured, Section 307 IPC was added and the challan has been presented accordingly. The learned trial Court, fell in error while recording that the accused

had no knowledge or intention that such bodily injury was dangerous to life and could cause death.

I have heard learned counsel for the parties and gone through the case files.

In this case, on the statement of Balwant Singh, injured-petitioner, FIR No.150 dated 27.10.2014, came to be registered under Sections 323, 341, 506, 148, 149 IPC against the accused-petitioners in CRR-2839-2015. As per the Medico-legal reports of the injured petitioners, Balwant Singh suffered three injuries, whereas, Pardeep Singh suffered as many as four injuries. As per the opinion of the Board of Doctors, injuries No.3 and 4 suffered by Pardeep Singh could be dangerous to life. Accordingly, Section 307 IPC was added and the challan has been presented accordingly.

The learned trial Court, while passing the impugned order of framing of charges, observed that though the complainant and the injured were attacked with different weapons including *Tangli* and *Gandasi*, but the blows were given with reverse side and all the injuries were caused by blunt weapons. It has been further observed that the complainant has not alleged if the accused had any intention to kill them. Therefore, charge under Section 308 IPC instead of Section 307 IPC has been framed against the accused. The accused are seven in number. The

injuries have been caused on vital parts. All of them were armed with spade, *tangli*, *gandasi*, baseball bat and sticks etc. Keeping in view the number, nature and seat of injuries on the person of the injured, particularly Pardeep Singh, who suffered four injuries, out of which two could have been dangerous to life, this Court is of the considered opinion that the learned Court below fell into error in not framing the charge under Section 307 IPC. The mere fact that the complainant had not specified in the FIR that the accused had caused injuries with an intention to kill them is no ground not to charge the accused under Section 307 IPC. Intention is seldom express, rather it is to be implied from the facts and circumstances of the case. In this case, the intention to kill is to be implied from the fact that seven assailants, all armed with different weapons, came together at the spot and launched attack upon the injured persons, giving multiple injuries on vital parts of their bodies including the chest and head. Thus, prima facie, a case under Section 307 IPC is made out against the accused and the learned Court below ought to have charged the accused accordingly.

In view of the above discussion, CRR-2398-2015, is allowed and impugned order dated 02.06.2015 is modified to the extent that the accused be charged under Section 307 IPC instead of Section 308 IPC.

CRR-2839-2015 preferred by the accused-petitioners is consequently dismissed.

However, it is made clear that anything noticed hereinabove shall not be construed as an expression on merits of the case and the same have been made for the disposal of this petition.

**01.10.2015**  
*atulsethi*

**(JITENDRA CHAUHAN)**  
**JUDGE**

*Note : Whether to be referred to the Reporter : Yes / No.*