

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Criminal Revision No. 2711 of 2014 (O&M)

Date of decision : 30.01.2015

Vineet

.....Petitioner

Versus

Deepak and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. S.K. Hooda, Advocate for
Mr. R.K. Hooda. Advocate
for the petitioner.

LISA GILL, J.

This petition has been filed challenging order dated 28.07.2014 passed by the learned Additional Sessions Judge, Panipat. The petitioner is aggrieved by the fact that it has been held by the Additional Sessions Judge, Panipat that prima facie no case under Section 307 IPC is made out qua any of the accused persons and the matter had been remanded to the Court of learned Sub Divisional Judicial Magistrate, Samalkha to proceed further with the trial against the accused persons for the offences punishable under Sections 323, 325, 336, 427, 506, 120-B IPC.

Learned counsel for the petitioner submits that FIR was registered on the basis of statement of the petitioner – Vineet under Sections 307, 34, 120-B IPC. As per the FIR, on 15.09.2013 the petitioner had gone to Satyawar son of Dharam Singh for taking some money from him as he had a business transaction. He was coming to Samalkha from Pawati on his scooter No. HR-60-D-2941

after taking ₹ 5 lakhs. Deepak – respondent No. 1, who is involved in preparation of Arms licenses from other states had a suspicion that it is the petitioner who had got certain cases registered against him and, therefore, had a grudge against the petitioner. When the petitioner reached near Majar of Baba at about 8.15 a.m., Deepak-respondent No. 1 driving his Ritz car No. HR60-E-0829 hit his scooty from behind with an intention to kill him. He alongwith scooty fell down on the road and ₹ 5 lakhs also fell. His gold chain was broken and fell to the ground. Deepak - respondent No. 1, Sunil – respondent No. 7 and three other boys came down with iron rods in their hands. Sunil @ Sonu gave an iron rod blow on his left hand. Deepak gave iron rod blow on his left leg and the other three boys also gave an iron rod blow on his hands and legs. Respondent Sunil exhorted that Vineet should be caught and killed. As per FIR, Sunil – respondent No. 7 is instrumental in this incident while conspiring with the others. Number of people gathered at the spot and the accused fled from the spot alongwith their weapons as well as ₹ 5 lakhs and gold chain belonging to the petitioner. The petitioner's father Pritam Singh reached the spot and tried to catch Deepak but he fainted and fell down. The petitioner was admitted to Government Hospital Samalkha. Thereafter, referred to Panipat from where they got admitted to Sabarwal Hospital, Panipat. As per medical certificate issued on 15.09.2013 by Dr. Sudhir Sabharwal's Orthopaedic Centre (Annexure P-2), the petitioner suffered following four injuries:-

1. Ecchymosis (L) arm and elbow. Vertical # Lower end left Humerus, lateral aspect (thin and chip fragment)
2. # Medial corner of Prox. end of Prox., phalanx, left middle finger with abrasions
3. # Medial corner of Prox. End, Left middle phalanx of ring finger
4. Undisplaced # upper end, left tibia (Gibial Tuberosity fracture – undisplaced) with Haematoma 4" x 3" and abrasions overlying tibial tuberosity.

All the four injuries were opined to be simple in nature.

It was found by the learned Additional Sessions Judge, Panipat that no offence under Section 307 IPC is made out in this case. Hence, aggrieved this petition has been preferred.

Learned counsel for the petitioner submits that this is clearly an erroneous conclusion arrived at by the said Court only on account of the fact that no injury is alleged to have been suffered by the driver of the car or any of its occupants as well as the fact that no damage is shown to have been caused to scooter on its back side or to the car on its front side, as per the Mechanical examiner report. It is vehemently urged that intention to cause death on the part of the accused is clear from the fact that they first hit scooter of the petitioner and thereafter caused serious injuries when he had fallen. It is further submitted that a specific motive has also been attributed to respondent No. 1 – Deepak.

I have heard learned counsel for the petitioner and gone through the file. Learned counsel has not been able to point out

anything from the record which indicates intention to cause death. Furthermore, there is nothing to restrain the trial Court from taking requisite action and proceed against the accused in case any subsequent evidence comes on to record indicating the commission of offence punishable under Section 307 IPC.

Therefore, I find no infirmity or irregularity in the impugned order.

This petition is, accordingly, dismissed.

It is clarified that none of the observations hereinabove are a reflection on the merits of the case and shall have no bearing on the trial.

January 30, 2015
rts

(LISA GILL)
JUDGE