

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

CRM No.M-18103 of 2016 (O&M)

Date of Decision: May 23, 2016

Malkiat Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.G.S.Sirphikhi, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for quashing of order dated 08.12.2014 passed by learned Sub Divisional Judicial Magistrate, Batala, whereby, charge under Section 307 IPC was not framed and case was not committed to the Court of Sessions and the order dated 30.04.2016 passed by learned Addl. Sessions Judge, Gurdaspur, vide which the revision filed by the petitioner was dismissed.

At the time of arguments, learned counsel for the petitioner argued that the offence under Section 307 IPC is also made out.

I have heard learned counsel for the petitioner and have gone through the record.

From the perusal of the record, I find that the injury, on the forehead, which is grievous and caused with sharp-edged weapon, has not

been declared as dangerous to life. Neither in the complaint nor in the statements, the witnesses have stated that accused had intention to kill them at the time of occurrence. The perusal of the record further shows that even in the complaint, there is no averment that the injuries have been caused with intention to kill the injured. Mere grievous injury on the forehead itself will not amount to intention to kill etc.

Learned counsel for the petitioner argued that accused have raised *lalkara* that they (petitioner side) should not be left alive. The perusal of the complaint shows that after causing the injuries, this *lalkara* was raised and after raising *lalkara* no injury was given. Therefore, raising of *lalkara* will also not show that the accused have intention to kill, specially when the PWs are not saying so nor there is any other averment.

In view of the above discussion, I find that orders passed by learned Courts below are correct and as per law. In no way, it can be held that any illegality has been committed or passing of these orders amount to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

May 23, 2016
Vgulati

(INDERJIT SINGH)
JUDGE