

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

**CRM No.M-4662 of 2016 (O&M)**  
**Date of Decision: February 09, 2016**

Azad

...Petitioner

**VERSUS**

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Satish Chaudhary, Advocate  
for the petitioner.

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**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 482 Cr.P.C. for setting aside the impugned order dated 23.12.2015 passed by learned JMIC, Hodal, vide which the application of the petitioner to commit the case to Sessions Court was dismissed and judgment dated 03.02.2016 passed by learned Sessions Judge, Palwal, dismissing the revision filed by the petitioner against the order dated 23.12.2015.

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

From the record, I find that an application was filed by the prosecution/complainant for committing the case to the Sessions Court. It is stated that all the accused persons after pre-planning with

their common intention and object, quarreled with the complainant and inflicted injuries on vital parts of the body with lathis, dandas etc. and also robbed ₹720/- from the pocket of the complainant and threatened to kill him. It is further stated in the application that accused Arshad gave a lathi blow on the right side of head of the complainant and thereafter, remaining accused gave lathis blow on the legs, knees and ankle of the complainant and complainant Azad sustained nine injuries. Injury No.9 is swelling on left side occipital region and even CT scan shows the hair-line fracture of right temporal bone seen with associated soft tissue swelling. So, it is prayed that accused be charged under Sections 323, 325, 307 IPC along with Section 397 IPC as ₹720/- was also robbed by the accused.

Learned JMIC, Hodal, after hearing the learned counsel for the parties, dismissed the application vide impugned order dated 23.12.2015. A revision was filed and learned Sessions Judge, Palwal, dismissed the revision vide impugned judgment dated 03.02.2016. Aggrieved from the above-said order and judgment passed by the Courts below, present petition has been filed.

From the perusal of the record, I find that the order and judgment passed by the Courts below, in no way, can be held as perverse or against the evidence and law. No illegality has been committed by the trial Court while passing the impugned order nor in any way, the passing of the order and judgment, amount to miscarriage of justice. It is admitted at the time of arguments by learned counsel for the petitioner that no injury has been declared as

dangerous to life by the doctor nor there is any document on record to show that injury No.9 has been declared as dangerous to life. The injury was given with lathi and as per the CT scan, as argued, only a hair-line fracture was found. The other eight injuries are on ankle, legs etc. i.e. on non-vital part of the body. It is also admitted that the doctor has not been examined so far before the trial Court. Therefore, at this state, the case cannot be committed to the Sessions Court for offence under Section 307 IPC.

Secondly, it is the case of the complainant that a quarrel took place between him and the accused side and injuries were given to complainant and prior motive was also there and it is the allegation that ₹720/- was also taken away from the pocket of the complainant. It is nowhere the case that accused were not known to the complainant side and their intention was to commit dacoity and in that process injuries were given. Rather, from the facts of the case, it is clear that there was some enmity between the parties and injuries were given and in that process, it is alleged that, ₹720/- was also taken away from the pocket of the complainant etc.

In view of the above facts and circumstances, I find that at this stage, no ground is made out for committing the case to the Sessions Court. The impugned order and judgment passed by the Courts below are correct, as per law and do not require any interference from this Court.

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

However, the trial Court is at liberty to commit the case to the Sessions Court, at any stage, if any evidence comes out on record during trial that an offence triable by Sessions Court is made out.

**February 09, 2016**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**