

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 2846 of 2015 (O&M)
Date of decision: January 12, 2016

Mewa Singh and others

.... Petitioners..

Versus

State of Punjab and another

.... Respondents..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Nitin Rampal, Advocate,
for the petitioners.

Jaspal Singh, J. (Oral)

CRM No. 24964 of 2015

For the reasons mentioned in the application, delay of 16 days in filing the revision petition is condoned.

CRM stands disposed of.

Main case

Challenge in this revision petition is to the orders dated April 18, 2015 (Annexures P-5 and P-6) passed by the Id. additional Sessions Judge (Fast Track Court), Bathinda whereby the petitioners have been charge-sheeted to face trial under Sections 326, 324 read with Section 34 IPC.

2. Assailing the impugned orders, it has been contended by learned counsel for the petitioners that initially FIR (Annexure P-1) was registered at the instance of petitioner No.1-Mewa Singh on the allegation that Ranjit Singh-respondent No.2 while armed with

GANDASA dealt its blow on the head of Mewa Singh whereas Harjinder Singh was armed with SPADE. Just to create defence, respondent No.2-Ranjit Singh got registered cross-version case against the petitioners levelling false allegations that Jarnail Singh-petitioner No.2 inflicted DANG blow on his left knee whereas Kulwinder Singh-petitioner No.3 gave a KIRPAN blow resulting into an injury on little finger of his left hand. Petitioner No.1-Mewa Singh is alleged to have gave DANG blow on his left thigh. In fact, injury No.1 on the little finger has been manipulated by the complainant party, which has been opined to be grievous in nature by the Medical Officer. Though, there was a head injury on the person of Mewa Singh but the offence has already been diluted from Section 307 to 324 IPC whereas on account of injury on the little finger, which has otherwise been manipulated by the complainant party, the petitioners have been charge-sheeted to face trial under Sections 326 and 34 IPC besides other offences. So, in such circumstances, the charge under Sections 326, 324 and 34 IPC is not sustainable and deserves to be quashed.

3. This Court has given an anxious thought to the aforesaid submission made by learned counsel for the petitioners but does not find any legal weight.

4. The charges have been framed on the basis of statements of the complainant-injured, eye-witnesses as well as the medical evidence available in the report under Section 173 (2) Cr.P.C. The non-framing of charge under Section 307 IPC or that the offence of 307 IPC has been diluted to Section 324 IPC, is not a ground to quash the

charges framed against the petitioners. The versions contained in the FIR as well as that of the cross-version are to be taken into consideration by the Id. trial court independently and there is nothing to cause any interference in the impugned orders.

5. Accordingly, instant petition is dismissed.

January 12, 2016
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(JASPAL SINGH)
JUDGE