

CRR No.3100 of 2016

[1]

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

Sr. No. 109

CRR No.3100 of 2016

Date of decision: September 01, 2016

Jasveer Singh & Others

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Suveer Sheokand, Advocate,
for the petitioners.

JASPAL SINGH, J.

Challenge in the revision petition is to the order dated June 06, 2016 passed by the Additional Sessions Judge, Ludhiana, whereby the petitioners-accused have been charge-sheeted under Sections 307, 342, 323, 506, 34 IPC.

2. An FIR No.73, dated September 07, 2014, under Sections 307, 342, 323, 506 & 34 IPC, at Police Station Jodhan, District Lidhiana was registered on the basis of statement of complainant-Jaspreet Singh s/o Ranjit

CRR No.3100 of 2016

[2]

Singh. Complainant stated that on September 06, 2014, while he was going towards post office from his house at about 12.30 p.m., the accused persons namely Manohar Lal, Jasveer Singh, Balvir Kaur and Dimple put a rope around his neck and took him in their vacant shop, where they tied the hands and legs of the complainant and beaten him.

3. While assailing the impugned order, learned counsel for the petitioners has contended that the petitioners have been malafidely implicated in the criminal case. The trial court has acted in a mechanical manner and framed the charges without application of mind. No injury was declared to be dangerous to the life and thus, offence under Section 307 IPC is not made out. Section 307 IPC has been added by the prosecution just to convert the offence from bailable to non-bailable and to increase the gravity of offence. As per the MLR, four injuries have been received by the complainant which have been declared as simple and with blunt weapon. The injury around the neck of complainant is fabricated. Therefore, impugned order dated June 06, 2016 passed by the trial court is liable to be set aside being patently illegal.

4. This court has given a deep thought to the aforesaid submissions made by learned counsel for the petitioners and gone through the record available on file.

5. As per the FIR version, on September 06, 2014, the complainant was attacked by the accused by tying his hands and legs. The complainant was given threats of criminal intimidation by putting a rope around his neck. As per the MLR, four injuries were inflicted on the person of complainant including the neck injury. At the stage of charge, only prime

CRR No.3100 of 2016

[3]

facie material is to be seen. Therefore, the trial court has rightly framed charges against the accused to stand trial and this court does not find any illegality or infirmity in the impugned order.

6. Dismissed.

September 01, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No