

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-4259-2016 (O&M)

Date of decision: November 18, 2016.

Baldev and another

... **Petitioners**

v.

State of Haryana

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Vijay Singh Kajla, Advocate for the petitioners.

A.B. Chaudhari, J. (Oral):

Heard Learned Counsel for the petitioners.

This is a petition against the order dated 16.8.2016 framing charge under Sections 302/34 IPC in FIR No.784 dated 19.12.2015, registered at PS City Fatehabad. Learned Counsel for the petitioners has pointed out to me the information given in the post-mortem report examination by the board of doctors in respect of the deceased. He contended that not a single injury appears as per the report and therefore there is no point in framing charge under Sections 302/34 IPC even prima facie is made out.

Upon perusal of the documents, it is not possible to accept the submission at such a premature stage. The prayer for modification of charge to a lower offence also cannot be accepted at this stage as the trial court has also the power to convict the accused persons for a lower nature of offence under the Indian Penal Code and it is not necessary that if a charge is framed

under Section 302 IPC, the petitioner should be convicted under Section 302 IPC only. In that view of the matter, leaving all points open, this petition is disposed of.

Trial be expedited.

November 18, 2016.
kadyan

[**A.B. Chaudhari**]
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No