

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

CRR No. 81 of 2016

Date of decision : 03.02.2016

Kulwinder Singh & ors.

....Petitioners

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jasmail Singh Brar, Advocate for the petitioners.

RAJAN GUPTA J.

Present revision petition is directed against order dated 18.11.2015 passed by Additional Sessions Judge, Ludhiana whereby charge has been amended.

Learned counsel for the petitioners have assailed the order. He submits that trial court has wrongly amended the charge framed against the private respondents. According to him, trial court did not consider the evidence in correct perspective. Thus, impugned order deserves to be set-aside.

I have heard learned counsel for the petitioners.

It appears that FIR was lodged on the statement of Kulwinder Singh (petitioner no. 1 herein). He alleged that on 02.02.2012 when he was standing outside his house alongwith Sukhwinder Singh where construction was going on at that time accused Sandeep Singh came to them and hurled abuses. When they resisted, accused Harjinder Singh gave a gandasi blow on back side of the head of the complainant. Ranjit Singh gave a spade blow on back side of head of the complainant while accused Jasvir

Singh inflicted an axe blow. When Sukhwinder Singh tried to rescue, accused Jasbir Singh gave him a Kulhari blow on left side of his forehead. On raising hue and cry, Amar Kaur and Bakhtaur Singh came there to rescue them. However, they were also attacked and inflicted various injuries. After some time, all the accused fled away from the spot alongwith their weapons. Injured were taken to Civil hospital, Samrala for treatment. On this statement, FIR was lodged and investigation ensued. After completion of investigation, challan against the accused was presented before the competent court. On consideration of preliminary evidence, charge was framed against the accused under sections 148, 307 IPC read with section 149 IPC and section 323 IPC on 02.12.2013. Thereafter, complainant stepped into the witness box as PW-1 on 14.07.2014. His cross examination was recorded on 22.07.2014. Other prosecution witnesses have also supported the prosecution case. However, on 18.11.2015, trial court amended the charge framed against the private respondents under sections 148, 307 IPC read with section 149 IPC and section 323 IPC read with section 149 IPC. Aggrieved, petitioners have approached this court by way of instant revision petition.

I find no legal infirmity with the order passed by the court below. In my considered view trial court can amend or alter the charge, if it thinks necessary to do so at any time during trial. Moreover, only prima facie evidence is to be seen at the stage of framing of charge. There is, thus, no scope for interference in inherent jurisdiction of this court. Dismissed.

February 03, 2016

(RAJAN GUPTA)
JUDGE