

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-1245-MA of 2016

DATE OF DECISION: FEBRUARY 8, 2017

PARAMDEEP SINGH

...APPLICANT

VERSUS

STATE OF PUNJAB & ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI.

PRESENT: MR.JASRAJ SINGH, ADVOCATE FOR THE APPLICANT.

M. JEYAPPAUL, J.

1. Injured Paramdeep Singh has sought special leave to prefer an appeal against the conviction of respondent No.2 Tarlok Chand @ Kali for the lesser offence under Section 323, 324 and 506 IPC instead of the offence under Section 307 IPC.

2. The case of the prosecution is that respondent No.2 started abusing the complainant in the Panchayat that was convened in the village on 5.6.2015, and having proclaimed that he would teach a lesson to him for manufacturing decisions against the members of his party, attacked him on his head with dattar, but the blow landed at the left side back of the complainant when he bent forward. Thereafter, the accused gave fist blows in his stomach. The panchayat members who gathered over there, intervened and rescued the complainant from the clutches of accused.

3. Dr. Vishavdeep Singh of Civil Hospital, Mahilpur deposited that the complainant Paramdeep Singh was medico-legally examined by him on 5.6.2015. He found a bandaged wound over left thoracic region of back. The

complainant also complained of pain in the abdomen. There was no external injury found therein. He declared both the injuries as simple in nature.

4. The trial Court having adverted to the evidence of the complainant, in the background of the medical evidence adduced before it, came to the conclusion that the prosecution failed to establish that the offence under Section 307 IPC was made out, inasmuch as there was no intention on the part of the accused to cause death of the complainant.

5. We heard the submissions made by learned counsel for the complainant-applicant.

6. The First Information Report would disclose that the accused who was armed with a dattar, delivered only one injury on the backside of the thoracic region. He had a chance to repeat his attack, but he had not used dattar to repeat blows on him. Rather, he used his hands to cause fist blows in his stomach. Therefore, in our considered view, the accused had not intended to cause the death by causing injury on the vital part of the body of the complainant. The trial Court has rightly acquitted the accused of the main charge under Section 307 IPC.

7. We do not find any merit in the application seeking special leave to prefer an appeal. The application stands dismissed.

**(M. JEYAPPAUL)
JUDGE**

February 8, 2017
Gulati

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether Speaking/Reasoned : Yes
Whether Reportable : No