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

CRM-M-44833 of 2016

Date of decision: February 15, 2017

Ajit and others

.....Petitioners

Versus

State of Haryana

.....Respondent

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

Present: Mr. Vijay Sangwan, Advocate for the petitioners.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the petitioners.

The petitioners have challenged the order framing charge under Sections 148, 149, 323, 326, 506 of Indian Penal Code, 1860 (for short 'IPC') before the revisional Court. The revisional Court has given following reasons:-

“So, there is specific allegation that injury on his little finger was caused with sword and even there is amputation and this fact is duly mentioned in MLR of Lekh Raj conducted on the same day i.e. 24.01.2016 wherein tip of little finger of left hand has been shown to be missing and fresh bleeding has been shown to be present. Though the doctor has mentioned that it was a lacerated wound and weapon was blunt but when the tip of little finger of left hand of Lekh Raj is missing and the injury has been attributed with sword then at this stage much weightage cannot be given to the observation of the doctor as reflected in the MLR that the injury was given by blunt weapon. A prima facie case for the commission of offence

under sections 148, 323, 326 and 506 IPC read with section 149 IPC is made out, for which the revisionists/accused have been charged sheeted. xxx.”

Looking to the fact that little finger was severed in the attack, the offence under Section 326 of IPC is obviously made out.

Learned counsel for the petitioners submitted that Sunil who gave sword blow has been declared innocent by the police.

Trial Court would take care to exercise power under Section 319 of the Code of Criminal Procedure, 1973, if it finds any other accused persons including Sunil to have any attribution. In so far as the present petitioners are concerned, the allegations is about the unlawful assembly of which the petitioners are said to be the members and it is not possible, at this stage, to sift the grain from the chaff and that process of marshalling of evidence to be undertaken at appropriate stage. There is no merit in the petition.

Hence, the petition stands dismissed summarily.

(A.B. CHAUDHARI)
JUDGE

February 15, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No