

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

**CRR No.4214 of 2015 (O&M)
Date of Decision: July 06, 2017**

Balbir Kaur and others

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sunil Chadha, Senior Advocate with
Mr.Manipal Singh Atwal, Advocate
for the petitioners.

Mr.Gaurav Garg Dhuriwala, Sr. DAG, Punjab
for the respondent-State.

Mr.Sandeep Kumar, Advocate for
Mr.Ishaan Pasricha, Advocate
for the complainant.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners Balbir Kaur, Charanjit Singh and Kulwant Kaur against respondent State of Punjab, challenging the impugned order dated 10.08.2015 passed by learned Addl. Sessions Judge, Kapurthala, vide which the application filed by the prosecution under Section 216 Cr.P.C. for insertion of charge under Section 328 IPC was allowed.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

From the record, I find that the challan was presented against the petitioner under Section 307 IPC etc. During the trial Court proceedings, an application under Section 216 Cr.P.C. was filed to alter the charge for committing the offence under Section 328 IPC. Learned Addl. Sessions Judge, Kapurthala, vide order dated 10.08.2015 accepted the application and charge under Section 328 IPC was framed in the alternative. As per prosecution version, on 20.07.2010 at about 4.30 a.m., complainant Sandeep Kuar was sleeping in her in-laws house along with her children and at that time, all the accused in connivance with each other, forcibly put some poisonous substance in the mouth of the complainant with intention to kill her. Consequently, the complainant was got admitted in Civil Hospital, Kapurthala, where poisonous substance was detected during her medical treatment.

Learned trial Court after hearing learned counsel for the parties and going through the record found that PW-1 Sandeep Kaur while stepping into witness box has reiterated the said version by depositing that accused Balbir Kaur and Kulwant Kaur hold her from arms, Charanjit Singh tied her mouth for five minutes but she tried to breath and then accused Charanjit Singh put some white colour poisonous substance in her mouth with intention to kill her.

Learned trial Court also taken note of the statements of the doctors regarding the medical treatment and further statement of PW-7 Dr.Ravjit Singh that it was a case of suspected poisoning as per the record placed before him.

The charge under Section 328 IPC has been framed in the

alternative. Learned counsel for the petitioner did not challenge the other charges framed under Section 307 IPC etc. No illegality has been committed by learned Addl. Sessions Judge, Kapurthala, while framing the charge under Section 328 IPC in the alternative in view of the evidence on record, as at this stage, only prima facie case is to be seen.

Therefore, finding no merit in the present petition, the same is dismissed.

July 06, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No