

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR 3162 of 2016 (O&M)

Date of Decision : 18.01.2017

Jeet Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: None.

Surinder Gupta, J.

This is revision petition against order dated 04.08.2016 passed by learned Additional Sessions Judge, Karnal whereby application filed by the petitioner to frame additional charge under Sections 325 and 452 of Indian Penal Code (for short ' IPC'), was declined with the observation as follows:-

“5. From the first version of the complainant Jeet Singh before the police dated 1.10.2012 Ex.P7, it is clear that Shri Jeet Singh complainant went to see the assailants at the gate where he was caused injuries by the assailants. In the witness box as PW-3, prior to the moving of the application u/s 319 of Cr.P.C., complainant Jeet Singh son of Shri Dharam Singh also stated that on 30.9.2012 at about 9.00 pm, when he was watching a cricket match on the television, he heard some noise at the door from the outside. He went outside of his house and saw that Satpal Singh was armed with a Danda , Sukhdev Singh was armed with a Gandasi, Jaspal Singh was armed with a Danda and Fateh Singh was also present with the above said persons. Satpal Singh gave a danda blow on his head, Sukhdev Singh gave a gandasi blow on his head and Jaspal Singh gave a danda blow on his arm. He raised noise 'Bachao Bachao' on which, his grand-

father and his father came there. The accused also inflicted injuries to them. It means that from it also, it is reflected that Shri Jeet Singh had gone outside to see the assailants. When Shri Jeet Singh appeared as PW-6 after re-framing of the charge against the accused after summoning of the additional accused on 27.5.2015, he has stated that on 30.9.2012 at about 9.00 pm, he was present in his house and was watching a cricket match on television and at that time, Satpal Singh accused armed with a Danda, Sukhdev Singh accused armed with a Gandasi and Jaspal Singh accused armed with a Danda came to their house and they were raising noise. He (PW6) then came outside the room and noticed that the accused have entered their house. Accused Satpal Singh gave a danda blow on his head towards left side. Meaning thereby that here also the complainant Jeet Singh has stated that the accused have entered their house.

6. *Regarding the prayer for framing of the charge under section 325 of IPC against the accused, since Dr. Neeraj Sharma has not specifically stated about the fracture on the person of Shri Jeet Singh or on the person of Shri Dharam Singh son of Shri Kishna Ram or on the person of Ishma son of Shri Mai Dhan although X-ray examination of all the injuries had been advised and that other doctor has not been examined by the prosecution, therefore, in the considered opinion of the court, there is also no force in the contention of the complainant Shri Jeet Singh for framing additional charges under sections 325 and 452 of IPC against the accused. Therefore, the finding the application of the applicant/complainant moved through the learned Public Prosecutor under section 216 of Cr.P.C. for framing the additional charges under sections 325 and 452 of IPC against the accused, having no force, is hereby dismissed.”*

Learned trial Court has taken note of the fact that complainant-petitioner from the very beginning is alleging that occurrence had taken place outside his house. His subsequent tilt alleging the occurrence inside his house has been rightly rejected by the trial Court while declining to frame additional charge under Sections 325 and 452 IPC. The doctor, who examined petitioner-Jeet Singh or the injured, has nowhere stated that any fracture injury was observed on their person. In the absence of any evidence to this effect there was no reason for the Court below to frame charge for offences punishable under Sections 325 and 452 IPC.

On perusal of order of Court below, I find no legal or factual infirmity therein calling for any interference in this revision petition, which has no merit and the same is dismissed.

January 18, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No