

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

CRR-696-2016

Date of decision : 08.03.2017

Geeta Devi and others

...Petitioners

Versus

State of Haryana

...Respondent

AND

CRR-697-2016

Dhan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R.S.Sihota, Senior Advocate,
with Mr. B.R.Rana, Advocate,
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana,
for the respondent-State.

Mr. Gautam Dutt, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

By this common judgment, this Court shall dispose of the
aforesaid two petitions as common questions of facts and law are involved
in both these revision petitions.

By filing the present criminal revisions, the petitioners have
assailed impugned order dated 19.11.2015, vide which, learned Addl.
Sessions Judge, Palwal, (for short, 'trial Court'), charge-sheeted the accused

under Sections 323, 325 read with Section 34 IPC and 506 IPC, and not

found the accused guilty under Section 307 IPC in FIR No.207 dated 29.06.2010, registered under Sections 148, 149, 323, 325 and 506 IPC, at Police Station Hodal, District Palwal.

Learned counsel for the petitioners contends that injured Sumran Singh has stated in his statement recorded by the police under Section 161 Cr.P.C. that accused Pran gave a stick blow on left side of his head. He further contends that in the discharge summary and C.T. Scan report of Sumran, it has been specifically mentioned that there is thin liner undisplaced fracture of left frontal bone and the injury to Sumran Singh is on vital part. Learned counsel, therefore, prays that since offence under Section 307 IPC is made out, accused be charge-sheeted thereunder.

On the other hand, learned State counsel submits that while passing order dated 19.11.2015, the learned trial Court had rightly gone through the record of the case and opinion of the Board of Doctors with regard to injuries were of ordinary course of nature and not dangerous to life.

I have heard learned counsel for the parties and gone through the record of the case.

Considering that the injury in question is a hair line fracture on the frontal bone and opinion of the Board of the Doctors that “On the basis of clinical course of the patient during treatment condition of patient did not appear to be life threatening.” produced on record, this Court feels that the learned trial Court has rightly charge-sheeted the accused under Sections 323, 325 read with Section 34 IPC and 506 IPC, and not found the accused guilty under Section 307 IPC.

dated 19.11.2015 (Annexure P-1) passed by the learned trial Court, is maintained.

08.03.2017
adhikari

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No