

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27095-2015 (O&M)
Decided on: 19.01.2018

Jagir Singh and others

.... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Parminder Singh, Advocate
for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Sandeep Saini, Advocate, for
Mr. Sumit Gupta, Advocate,
for respondent No.2.

H.S. MADAAN, J (ORAL)

Accused Jagir Singh, Prem Singh, Pardeep, Dushyant, Urmila, Nirmala and Manju were booked in FIR No.121 dated 28.05.2011 for offences under Sections 148, 149, 323, 324, 427, 435, 506, 325, 379 and 201 of IPC, Police Station Madhuban, Karnal and were forwarded to face trial. The trial was conducted by Judicial Magistrate 1st Class, Karnal after framing charge for offences under Sections 148, 149, 323, 324, 325, 427, 435, 379, 201 and 506 of IPC.

During the course of trial, an application was filed under Section 323 and 209 Cr.P.C. for committing the case to the Court of Sessions for the reason that injuries on vital parts of complainant and his mother Rajesh Rani beside brother Mukesh were there. Many other bone deep injuries on other parts of the bodies had been inflicted by the accused and that all the accused persons intentionally by making an unlawful assembly had caused injuries on vital parts of

body of complainant, his mother and brother as well as servant with intention to kill them. After contest, the said application was allowed by learned Judicial Magistrate 1st Class, Karnal vide order dated 27.04.2015 (Annexure P-6) and the case was committed to the Court of Sessions.

Feeling aggrieved by that order, the accused had preferred a revision petition to the Court of Sessions, which was dismissed by learned Additional Sessions Judge, Karnal vide judgement dated 21.07.2015 (Annexure P-7). After commitment of the case, the trial is stated to be at an advanced stage and majority of the witnesses cited by the prosecution are said to have been examined. By way of filing the present petition, the petitioners pray for setting aside of order dated 27.04.2015 passed by Judicial Magistrate 1st Class, allowing the application under Sections 323 and 209 Cr.P.C. as well as order passed by learned Additional Sessions Judge dated 21.07.2015 dismissing the revision petition. Notice of that petition under Section 482 Cr.P.C. was given to State and complainant.

I have heard learned counsel for the petitioner, learned counsel for respondent No.2, as well as learned State counsel besides going through the record and I find that both the impugned orders are well reasoned based upon proper appraisal of evidence and correct interpretation of law and no fault can be found therewith much less apparent on their face. As per settled law to find out as to whether offence under Section 307 IPC is disclosed or not, the intention of the assailants is to be seen, although not even a single injury might have been caused to the victim. However, in this case, keeping in view the number of assailants, weapons used by them in the incident, the number of injuries on the person of the injured, an inference can definitely be drawn that the intention of assailants was to commit murder.

Therefore, there is no ground to set aside the impugned orders. The petition is found to be without merit and is dismissed accordingly.

(H.S. MADAAN)
JUDGE

19.01.2018
Dinesh

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