

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7998-2017 (O&M)

Date of decision:18.12.2018

Gulzar Singh

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. D.S. Kahlon, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Mr. Gursimran Singh, Advocate for the complainant.

Kuldeep Singh, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. read with Section 401 Cr.P.C. for setting aside the impugned order dated 28.09.2016 (Annexure P-8), passed by learned Judicial Magistrate Ist Class, Amritsar and order dated 06.02.2017 (Annexure P-10) passed by learned Additional Sessions Judge, Amritsar in FIR No.63 dated 20.07.2013, registered at Police Station Majitha, District Amritsar, vide which, revision petition of the petitioner for amendment of charge under Section 307 read with Section 34 IPC against respondents No.2 & 3, was dismissed.

I have heard learned counsel for the parties and carefully gone through the order dated 28.09.2016 (Annexure P-8) passed by learned Judicial Magistrate Ist Class, Amritsar. Learned Judicial Magistrate Ist Class, Amritsar has considered the statement of witnesses and the medical evidence.

None of the witnesses stated that the injuries were caused with the intention to cause death. Injuries No.1 to 5 were declared grievous in nature as it led to dis-figuration of head and face of the complainant. Mere fact that the injuries are grievous itself does not mean that offence under Section 307 IPC is also invited. The Doctor did not declare injuries dangerous to life. The mere fact that four injuries were alleged to have given on head does not mean that intention was to kill.

It being so, there is no ground to interfere in the detailed and reasoned order dated 28.09.2016 (Annexure P-8), passed by learned Judicial Magistrate Ist Class, Amritsar as affirmed by learned Additional Sessions Judge, Amritsar vide order dated 06.02.2017 (Annexure P-10).

Accordingly, petition is dismissed.

(KULDIP SINGH)
JUDGE

18.12.2018
anju rani

Whether speaking/ reasoned:	Yes
Whether Reportable:	No