

CRR-3400 of 2016 (O&M)

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

CRR-3400 of 2016 (O&M)
Date of Decision: 20.09.2018

Shinder Pal Kaur and others

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. A.S. Kakkar, Advocate, for the petitioners.
Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this revision petitioner-accused has laid challenge to order dated 02.08.2016 of the trial Court, framing charge under Section 307 IPC along with other Sections on the allegation that on 15.08.2015, villagers of Dialpura consisting petitioners held a demonstration and blocked the road by placing dead body of Fateh Singh @ Fattu in a freezer, who, according to learned counsel for the petitioner, was killed by a drug peddler for not acceding to his command to work as his conduit for selling drugs. Police of Police Station City Rampura Phool, Nathana, Nehianwala, to clear the road, when tried to pacify villagers and requested them to cremate the body of deceased Fateh Singh @ Fattu, petitioners along with 100/150 men and women started brick bating and pelting stones on the police parties. As a result thereof, six policemen received multiple injuries. The mob also gave stick blows to the complainant.

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Learned counsel for the petitioners *inter alia* contends that there is no *iota* of evidence or any medical opinion, certifying any of the injuries, though not admitted, allegedly received by the police officials as dangerous to life. All the injuries allegedly suffered by the complainant/police party are simple in nature and that too not on their vital part. The trial Court, ignoring the above aspect of the case, blindly relying upon the final report under Section 173(2) Cr.P.C. filed by the police against the petitioners, has illegally framed charge against the petitioners under Section 307 IPC along with Sections 332, 353, 188, 186 and 283 IPC.

On the other hand, learned State counsel has pleaded the legality and validity of the impugned order.

Having given thoughtful consideration to the submissions made by both the sides, this Court is of the view that instant revision merits acceptance, taking into account the fact that petitioners could not have been charge-sheeted under Section 307 IPC, in the absence of any medical report declaring any of the injuries, allegedly suffered by the police officials, as grievous in nature or dangerous to life. Even the tenor of the complaint does not suggest that petitioners had any intention to commit murder. The occurrence of brick bating by the petitioners along with 100/150 villagers consisting of woman folk *prima facie* took place per chance, may be for the reason that police party was stopping the villagers from holding demonstration, to clear the road.

In view of above, impugned order to the extent of framing charge under Section 307 IPC against the petitioners is set aside

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and for rest of the Sections, petitioners shall face trial.

Disposed of.

September 20, 2018
R.S.

(Ramendra Jain)
Judge

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