

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 4556 of 2017 (O&M)

Date of decision : 17.1.2018

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Sulakhan Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Vipin Mahajan, Advocate for the petitioner

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H. S. Madaan, J.

Under challenge in this revision petition is the order dated 21.10.2017 passed by the Additional Sessions Judge, Gurdaspur, framing charge under Section 307, 326, 324, 323, 506 IPC, against petitioner Sulakhan Singh.

Briefly stated, the facts of the case as per prosecution version are that on 27.4.2017 at about 3.30 P.M. while complainant Hardeep Singh s/o Baldev Singh alongwith Jagtar Singh and Jaswant Singh, was returning to their village and had reached near Ravidas Chowk, Dera Baba Nanak, then petitioner Sulakhan Singh alongwith his co-accused Kulwinder Singh, Amarjit Singh, Gurnam Singh, Balwinder Singh @ Billu, assaulted them causing injuries, in as much as, Kulwinder Singh had raised a lalkara and Amarjit Singh have a base ball blow upon the complainant hitting him on his forehead. Gurnam Singh gave a datar blow hitting him on his right

leg. Balwinder Singh @ Billu gave a kirpan blow to Jagtar Singh, hitting him on his right elbow. When Jaswant Singh came forward to save the complainant, then petitioner Sulakhan Singh gave a datar blow hitting on his left hand finger. FIR No. 31 dated 28.4.2017 for offences under Sections 307, 326, 324, 323, 506, 148, 149 IPC was accordingly registered at Police Station Dera Baba Nanak. The injured were medico legally examined at Civil Hospital, Fatehgarh Churian.

According to the petitioner, in the MLR of Hardeep Singh, only two injuries have been recorded, injury No.1 being simple and injury No.2 under observation and X-ray report. In MLR of Jaswant Singh two injuries have been mentioned, injury No.1 to be grievous, injury No.2 kept under observation. In MLR of Jagtar Singh one injury has been mentioned that was – kept under observation. Subsequently, injury No. 2 suffered by Hardeep Singh was declared to be grievous and injury No.1 on the person of Jagtar Singh was also declared to be grievous and thereafter offence under Section 326 IPC was added in the FIR.

The grouse of the petitioner is that there is no opinion of the doctor that any injury on the person of any injured was dangerous to life but despite that the challan has been filed under Section 307 IPC and Illaqa Magistrate committed the case and then charge for offence under Section 307 IPC was framed without application of mind. As such the revision petition be accepted and charge under Section 307 IPC be set aside.

However, I am not convinced by such contentions.

While seeing whether offence under Section 307 IPC is disclosed or not, the main thing to be seen is the intention of the assailant(s) in causing the injuries, which can be gathered from the number of assailants, types of weapons used by them, number of injuries caused on the person of victims, the seats of those injuries etc. Merely because no medical opinion is available on the file regarding the injuries suffered on the person of injured to be dangerous to life does not mean that the accused assailants cannot be booked for offence under Section 307 IPC. As a matter of fact an assailant can be booked for offence under Section 307 IPC even if intended victim escapes unhurt. At the cost of repetition, it may be said that the intention of the accused is the vital thing to be seen . Therefore, I do not find any illegality or infirmity with the order under revision which might have called for interference by this Court, while exercising revisional jurisdiction. It is well settled that revisional jurisdiction of this Court is quite limited and the Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment under challenge. This is not the case here.

The revision petition is found to be without any merit and is dismissed accordingly.

(H.S. Madaan)
Judge

17.1.2018

chugh	Whether speaking / reasoned	Yes / No
	Whether reportable	Yes / No