

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

115

CRM-M-4203-2019 (O & M)
Date of Decision:22.04.2019

Jatinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by Jatinder Singh to challenge the order dated 16.03.2018 passed by the learned trial Court whereby his application for alteration of charge stands dismissed.

According to the learned counsel, the offence punishable under Section 302 IPC is made out which necessitated the amendment of charge.

FIR No.64 dated 02.05.2016 was registered for the offence punishable under Sections 306/34 IPC on the statement of Bhagwant Singh son of Swarn Singh. As per the allegations, petitioner namely Jatinder Singh was married to Mandeep Kaur daughter of Gurmej Singh and matrimonial dispute between them erupted. There was a compromise between the parties, however, the same did not materialize for long as Mandeep Kaur went back to her parental house. According to the complainant, petitioner had gone to fetch his wife back on 01.05.2016, but did not return back. At that stage, complainant along with his son namely Manbir Singh went to the house of Gurmej Singh. It is further narrated that during the talks, Gurmej Singh and

his wife etc. lost temper and turned out the complainant and shut the door of the house. After about 20-25 minutes, when the complainant entered the house, he saw his son lying dead on the bed.

After completion of investigation, final report was submitted and the trial Court proceeded to frame the charges for the offence punishable under Section 306 IPC against Gurmej Singh vide order dated 20.09.2016.

After commencement of trial, prosecution adduced its evidence and 6 of the witnesses stood examined, when the application for amendment of charges was filed by the petitioner (PW-6). The Court has proceeded to dismiss the application only on the ground that a case under Section 306 IPC is made out and observed the application to be without any merit.

Learned counsel for the petitioner has been heard and I have gone through the record of this case file.

Learned counsel for the petitioner does not dispute that the petitioner was not eye witness to the occurrence as the complainant Bhagwant Singh had gone with his father namely Mandeep Singh (deceased). It is further not disputed that the complainant has already died. Also there was no other injury on the person of the deceased, who was stated to have died of poisoning. The statement of witness PW-6 is on record, wherein it is mentioned that when he reached in-laws' house, at that time his grand-father was knocking the door.

Considering the stage of the trial, it will not be appropriate for this Court to interfere with the impugned order to allow the alteration of charge by addition of offence punishable under Section 302 IPC particularly when the prosecution is in the process of adducing its evidence.

In view of the facts and circumstances of this case, no case is made out for invoking the inherent powers under Section 482 Cr.P.C.

Dismissed.

22.04.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No