

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

CRM-M-19602-2018 (O&M)

Date of decision : 14.1.2019

Kirpal Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. A.K. Walia, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

Grouse of the present petitioner is that fair and impartial investigation in case FIR No. 46 dated 04.04.2018 under Sections 323, 325, 452, 506, 427 of the Indian Penal Code, registered at Police Station Shambhu, District Patiala has not been carried out as the offence under Section 326 of the Indian Penal Code has not been added.

As per the status report dated 5.7.2018, it is stated that no injury with the sharp edged weapon was found. Investigation has been carried out.

Learned State counsel has further informed that challan has been presented on 22.9.2018 before the trial Court and charges have not been framed. She has also relied upon the MLR wherein no injury with sharp edged weapon is reported to have been caused.

In the circumstance, when the challan has already been presented, petitioner is always at liberty to move an application for amendment of the charge after the examination of the doctor, if injury under Section 326 of the Indian Penal Code is made out.

Let the doctor be summoned on the next date of hearing as fixed by the trial Court.

In view of above, present petition is disposed of with liberty to the petitioner to address arguments at the time of framing of the charge and press his view point before the trial Court that a particular offence as prayed by him is made out from the evidence available on file.

With the above noted observation, petition stands disposed of.

(KULDIP SINGH)
JUDGE

14.1.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No