

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

**CRM-M-24431-2019
Decided on : 28.05.2019**

Ankit

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Anshul Mangla, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C., *inter alia* for setting aside the order dated 18.05.2019 (Annexure P-3), passed by Ld. Judicial Magistrate 1st Class, Rupnagar (in short 'Ld. JMIC') in case FIR No 58, dated 23.03.2014, registered under Sections 323, 325, 506, 34 IPC, at Police Station Radaur, District Yamuna Nagar, whereby, his application under Section 209 Cr.P.C. for committal of the case to the Court of Sessions, has been dismissed.

Learned counsel for the petitioner contends that the Ld. Trial Court erred in dismissing the impugned application by holding that the application was not maintainable as the trial had moved to an advance stage and secondly, there was no medical opinion to support the factum of the petitioner having suffered an injury dangerous to life to invoke the rigors of Section 307 IPC. He further contended that the trial Court failed to take into account that the Fawda blow which was inflicted on the complainant by the accused pierced the frontal bone of the head of the complainant, which could have proved to be fatal and hence, a clear-cut case of commission of offence under Section 307 IPC was made out.

I have gone through the impugned order as well as the medical report

available on the case file. It cannot be disputed that the copies of the challan were

supplied to the accused way-back on 08.09.2014, the accused were charge-sheeted on 23.09.2014 and thereafter the prosecution evidence was concluded, which was of-course done after the compliance of Section 207 Cr.P.C. Moreover, a perusal of the medical record, which has been annexed by the petitioner reveals that none of the injuries suffered by the complainant, including one on the frontal bone of the head was declared to be dangerous to life by the Doctor. In fact, Medico Legal Summary (Annexure P-7) of the Postgraduate Institute of Medical Education and Research, Chandigarh, reveals that the nature of injury suffered by the complainant was declared to be “grievous”.

In view of the aforementioned, the instant petition is totally misconceived and the impugned order does not warrant any interference, especially, when the prosecution evidence has been concluded. Hence, the present petition is not at all maintainable and stands dismissed accordingly.

(MANJARI NEHRU KAUL)
JUDGE

May 28, 2019

J.Ram

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