

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34748-2019 (O&M)

Date of Decision: 31.10.2019

Jimmy

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. G.P.S. Pathania, Advocate, for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

On 30.09.2019, the following order had been passed:-

“Learned State counsel points to the fact that in the vernacular version of the FIR, the petitioner, along with one Vicky, has been specifically attributed a role of having caught hold of the complainant while one Gara attacked him with a 'datar' (sickle), thereby causing injuries. However, the translated version of the FIR does not show the petitioner to be also one of the two persons who caught hold the arms and legs of the complainant.

Though that itself is sufficient cause for dismissal of the petition, however, looking at the fact that the injuries stated to have been caused are on the finger of the complainant, learned State counsel would produce in Court the MLR in respect of the injuries, as also the subsequent opinion of the doctor as regards the other injuries on the neck of the complainant.

Adjourned to 31.10.2019.

Interim order to continue.”

Pursuant to the aforesaid order, learned State counsel has produced in Court today, from the police file, the MLR in respect of the injuries shown to have been received by the complainant, with a bone deep cut found between the index finger and the thumb, resulting in a fracture to the metacarpal bone, other than injuries on the face and head.

That being so, I see no reason to entertain this petition.

Consequently, the petition is dismissed and the interim order dated 27.08.2019 vacated.

However, nothing stated hereinafore, naturally, would be taken to be a comment on the actual merits of the case for or against the petitioner, which would be subject matter of investigation, and trial if it comes to that stage, with all the observations made only being in the context of a petition filed under Section 438 of the Cr.P.C.

Further, in case the petitioner is arrested, any petition filed by him under the provisions of Section 439 of the Cr.P.C., would be decided wholly on its own merits.

October 31, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
/No.