

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

CRM NO. M-17517 of 2020

DATE OF DECISION : 03.07.2020

Gurcharan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Manvinder Singh Sidhu, Advocate,
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petitioner has approached this Court under Section 482 Cr.P.C, inter alia, seeking issuance of appropriate directions to official respondents to constitute a Medical Board for re-examination of his head/skull injury, allegedly inflicted by the accused named in the FIR in question. He asserts that owing to said injury section 307 IPC ought to have been included in the FIR.

2. As per allegations in the petition, an FIR bearing No. 76 dated 19.05.2020 under Sections 341/323/506/188/148/149 IPC, Police Station Jamalpur, District Ludhiana, has been registered on the basis of statement of the petitioner, wherein he stated that he along with his brother Karamjit Singh received several injuries, including grievous, at the hands of accused persons.

3. Learned counsel for the petitioner contends that the physician who medico-legally examined the petitioner, has wrongly declared that petitioner received minor injuries, including '*one lacerated wound 6 cm x 0.4 cm on middle of the head*'. He further contends that the said injury is, in fact, a deep incision wound that required seven stitches for putting it together. Whereas, the attending doctor has nowhere mentioned stitches in his medico-legal report. He also contends that the said injury is grievous in nature and directly attracts Section 307 IPC. The

petitioner remained admitted in hospital for five days due to the serious head injury.

4. In the premise, petitioner also submitted various applications Annexures P-6 to P-8 (colly), for constituting medical board for re-examination of his injury No.1 and for adding Section 307 IPC, but no action has been taken on the same till date. Hence, this petition.

5. Notice of motion.

6. Mr. Harpreet Singh Multani, AAG, Punjab, who has joined the proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Punjab.

7. Given the nature of order being passed, there is no necessity to seek return by any of the respondents, as no further proceedings and/or pleadings are required.

8. Without commenting on the merits of the case, the petition is disposed of with a direction to respondent no.2/the competent authority to go through the instant petition and in case, he is of the opinion that petitioner is required to be medically re-examined, it will be done at the expenses of the petitioner. It is made clear that this order shall not be construed as any indication on merits of the contents of the petition before this court or the aforesaid contentions of learned counsel for the petitioner.

9. Let the needful be done within a period of one month from today.

10. Disposed of.

JULY 03, 2020
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No