

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-1665-2019 (O&M)
Date of Decision:- 17.1.2020

Harcharan Singh @ Channa and others ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arnav Sood, Advocate, for the petitioners.

Mr. Jasbir Singh Mohri, Advocate,
for respondents No.2 and 3.

GURVINDER SINGH GILL, J. (Oral)

CRM-38610-2019

In view of the reasons mentioned in the application, the same is allowed and Kashmir Singh and Daljit are ordered to be impleaded as respondents No.2 and 3. The amended memo of parties annexed with the application is taken on record.

CRR-1665-2019 (O&M)

1. The petitioners have approached this Court challenging order dated 16.5.2019 passed by learned Additional Sessions Judge, Hoshiarpur

whereby an application filed on behalf of accused under Section 216 Cr.P.C. for alteration of charge has been found to be devoid of merits and has been dismissed.

2. The allegations as per FIR are that the accused had caused injuries to two of the injured namely Kashmir Singh and Daljit Singh. The injuries sustained by Kashmir Singh as per MLR (Annexure P-2) have been described as follows:

“Patient Presented to DMC & Hospital casualty with A/H/O Assault

Injuries:-

1. Bruises involving middle of shin of right leg
2. Punctured wound 2 x 3cm over above middle of skin of left lower leg
3. Another punctured wound 1cm over middle of right of shin
4. Punctured wound over right arm above elbow joint (5cm above elbow) laterally
5. Punctured wound over left forearm below left elbow on ulnar side of 5 cm below elbow joint”

3. The injuries sustained by the other injured namely Daljit Singh are mentioned in the MLR (Annexure P-4) as follows:

“Patient Presented to DMC & Hospital casualty with A/H/O Assault

Injuries:-

1. Laceration 3 x 4cm, 6cm above medial malleolus of left leg
2. Punctured wound 2 x 2cm over medial aspect of skin just above middle of skin of left leg
3. Punctured wound over medial malleolus of right leg
4. 2 x 2cm open wound with bone exposed on medial aspect lower shin of right leg
5. Lacerated wound 3 x 3cm muscle deep b/w middle & ring finger of left hand

6. Laceration 1cm over base of right thumb laterally
 7. Laceration 1cm over dorsum of right hand in the middle
 8. Sutured wound over 6cm left parieto-frontal region.”
4. Learned counsel for the petitioners has submitted that all the five injuries, as sustained by Kashmir Singh are on non-vital parts and out of which 4 have been declared as ‘grievous’ and all the injuries have collectively been declared ‘dangerous to life’ as per the opinion expressed in Annexure P-3. It has further been submitted that as far as the injuries sustained by injured Daljit Singh are concerned, 4 out of the 8 injuries sustained by him were found to be ‘simple injuries’ and although he had sustained one injury on parieto-frontal region i.e. injury No.8 but the said injury has been declared as a ‘simple injury’.
5. Learned counsel for the petitioners has submitted that in view of the fact that all the injuries have apparently been caused with some blunt edged weapon and barring one simple injury which was on parieto-frontal region on Daljit Singh all other injuries are on non-vital parts, no offence under Section 308 IPC would be attracted.
6. I have considered the aforesaid submission addressed before this Court. Although it is correct that none of the injury as found on the person of Kashmir Singh is on the vital part but 4 out of the 5 injuries sustained by him were declared as ‘grievous injuries’. In this case it may be debatable as to whether the accused had caused these injuries to Kashmir Singh in an attempt to commit culpable homicide or not but given the fact that even the other injured Daljit Singh had also been caused as many as 8 injuries out of which 4 have been declared

‘grievous injuries’ and one of the injury is also on the head, therefore, the said factum of large number of injuries including ‘grievous injuries’ and including an injury on head of one of the injured would furnish sufficient grounds for the purpose of framing charges against accused for offence under Section 308 IPC. In these circumstances this Court does not find any infirmity in the impugned order and the same is hereby upheld.

7. The petition is sans any merit and the same is hereby dismissed.

January 17, 2020

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No