

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

CRM-M-52674-2021

Date of decision: 16.12.2021

SUKHJEET KAUR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. In FIR No.412 of 19.10.2021 lodged at Police Station P.S. Chandimandir, District Panchkula, offences constituted under Sections 323, 325, 452, 506, 148, 149 of the IPC, are embodied.

2. The grievance as agitated before this Court, by the learned counsel for the petitioner, is that since the report of the medical practitioner concerned, who had examined the injured-victim, makes revelations that life endangering injuries, which rather make the accused penally liable under Section 307 of the IPC, yet the provisions of Section 307 IPC, are not incorporated by the investigating officer, in the FIR supra.

3. Be that as it may, it is submitted at the bar, by the learned counsel for the petitioner, that the investigations are still underway. Therefore, it is open to the investigating officer concerned, to consider Annexure P-3, and, thereafter, he may proceed to, in accordance with law, after obtaining an opinion of the doctor concerned, qua hence an offence under Section 307 IPC is made out, to hence at the stage of his drawing a report under Section 173 Cr.P.C., consider the addings of the afore penally inculpable Section against the accused.

4. In case the investigating officer concerned, despite medical evidence qua therewith existing on record, fails to do so, and, he files a report before the learned Magistrate concerned, excluding the afore penally inculpable offences, thereupon, it is open to the petitioner to make a protest, and, also to ask for further investigations being conducted by the investigating officer concerned.

5. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

16.12.2021

Ithlesh

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No