

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

136

CRR-1761-2021 (O&M)

Date of decision: 22.12.2021

KULDEEP SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Shiv Kumar Sharma, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

By way of the instant petition, the petitioner seeks quashing of the order dated 03.09.2021 passed by the learned Additional Sessions Judge, Sangrur, vide which charges under Sections 341, 323 and 160 IPC were framed against the accused persons and the case was transferred to the Court of learned Chief Judicial Magistrate, Sangrur for 17.09.2021, for further trial proceedings.

Learned counsel for the petitioner submits that the learned Additional Sessions Judge, Sangrur, has committed patent illegality in holding that no offence under Section 308 IPC was made out. It is further submitted that once the FIR contained the offence under Section 308 IPC, though added at a later stage, there was no occasion for the Additional Sessions Judge, Sangrur, to return the aforesaid finding.

After hearing learned counsel for the petitioner and having gone through the impugned order, I do not find any illegality in the

impugned order.

Admittedly, the FIR was registered for the offences under Sections 341, 323 and 160 IPC and Section 4 of the Punjab Prevention of Damage to Public and Private Property Act, 2014. As per the opinion of the Doctor, all the five injuries on the person of the complainant, were declared simple in nature. Moreover, offence under Section 308 IPC was added at a later stage. The learned Additional Sessions Judge, Sangrur, after scanning the entire material before him, has rightly come to the conclusion that no offence under Section 308 IPC was made out.

Nothing contrary has been brought to the notice of this Court, which could require interference so as to find fault with the impugned order passed by the Additional Sessions Judge, Sangrur.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

22.12.2021

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No