

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

**CRR-422-2022(O&M)
Date of Decision: July 04, 2022**

Satish and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Ketan Antil, Advocate for the petitioners.

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HARINDER SINGH SIDHU, J.

The revision has been filed impugning the order dated 28.10.2021 of the learned Additional Sessions Judge Panipat, whereby charges have been framed against them under Sections 148, 149, 232, 308, 506 IPC.

FIR No. 0098 dated 19.03.2021 under Sections 148, 149, 307, 323, 506 IPC, Police Station Matlauda, District Panipat had been lodged against the petitioners on the complaint of Dharambir. He stated that he had purchased a plot adjacent to his house from one Rajender. On 18.03.2021 at about 08:30/09:00 a.m. he alongwith Balbir, Ranbir, Karam Singh all residents of village Kavi was sitting in the plot. At that time the petitioners who were carrying sticks, *jellies*, *gandas* and other sharp edged weapons surrounded the complainant and his companions from all sides and attacked them with intention to kill. In this attack the complainant and his three

companions suffered injuries. Injury on the head of the Ranbir was inflicted with a sharp edged weapon with an intention to kill. It was stated that he was lying in an unconscious condition in the hospital. He stated that the entire incident has been recorded in the CCTV camera.

As per MLR of injured Dharambir he had suffered three injuries. Injury No.1 and 3 were simple. Injury No.2 was kept under observation. NCCT head and opinion of surgeon was advised. As per MLR of Karan Singh, he suffered three injuries. Injury No.1 was simple, Injuries No.2 and 3 were kept under observation, X-ray and ortho opinion was advised. Ranbir suffered two injuries. Injury No.2 was simple. Injury No.1 was kept under observation, NCCT head and opinion of neuro-surgeon was advised. As per MLR of Balbir Singh, he suffered total four injuries. Injury No.1,3 and 4 were simple, while injury No.2 was kept under observation. NCCT head and neuro surgeon opinion was advised.

After the registration of the case the matter was investigated and final report under Section 173 Cr.P.C. submitted. Vide the impugned order charges were framed against the petitioners.

Learned counsel for the petitioners has argued that the present occurrence is an incident of version and cross-version. In fact, the complainant and his family members were the aggressors. The complainant alongwith Balbir, Ranbir, Karam Singh and other family members of the complainant had given beatings to Kuldeep s/o Pirthi, Pardeep s/o Ranbir Singh and Satish s/o Ishwar with wooden sticks and gandas. In this regard

a complaint dated 18.03.2021 had been submitted to the Senior Superintendent of Police, Panipat but no action has been taken thereon. He further submitted that a civil dispute with regard to the plot is pending between the parties and the complaint has been lodged against the petitioners just to pressurize them. He argued that all the injuries sustained by the complainant side are simple in nature. No injury dangerous to life has been received by any of the injured persons on the side of the complainant. The learned trial Court has wrongly framed charges under Section 308 IPC against the petitioners.

Having heard Ld. Counsel for the petitioners I find no ground to interfere with the impugned order.

As per the allegations the complainant party was sitting in the plot which they had purchased. The petitioners who were armed with sticks, *jellies*, *gandas* and other sharp edged weapons surrounded the complainant party from all sides and attacked them. In the attack all four persons from the side of the complainant suffered injuries. Complainant Dharambir suffered three injuries. Karam Singh suffered three injuries. Ranbir suffered two injuries including one with a sharp edged weapon on his head. Balbir Singh suffered four injuries.

As reflected in the Challan (Annexure P-2) during the investigation on 01.06.2021, CT Scan report of injuries of Ranbir was obtained from APEX Hospital, Panipat, which is as follows-*FINDINGS AGE RELATED CEREBAL ATROPHY SEEN IN VIEW OF PROMINENT*

BILATERAL LATERAL VENTRICLES, BILATERAL SYLVIAN FISSURES BASAL CISTRENS AND SULCI SPACES MEGA CISTERNA MAGNA NOTED MILD CHRONIC BILATERAL PERVENTRICULAR ISCHEMIC CHANGES ARE SEEN SOFT TISSUE SWELLING/HAEMATOMA SEEN IN LEFT HIGH PARIETAL REGION BOTH GENERAL HEMISPHERES APPEAR NORMAL IN ATTENUATION BILATERAL THALAMI APPEAR NORMAL. FOURTH VENTRICLE IS NORMAL REGION OF THE BRAIN STEM APPEARS NORMAL BONY CALVARIUM IS NORMAL. On the CT scan report of injured Ranbir, opinion from neuro-surgeon was obtained, which is as follows- *FOR PATIENT RANBIR SINGH AS PER CLINICAL FINDINGS AND RADIOLOGICAL FINDINGS INJURY TO HEAD WAS NOT GREVIOUS OR DANGEROUS TYPE SD DR ANIL ARYA NEURO SURGEON APEX HOSPITAL PANIPAT DATED 01.06.2021.*

X-RAY report of injured Balbir was obtained from APEX Hospital Panipat in which the Doctor has written the note 'Fracture'. On 03.03.2021 final opinion regarding case summary reports of the injured was obtained from the Government Hospital Panipat, which is as follows- *RECEIVED APPLICATION AT 03.06.2021 REGARDING MLR NO.SOK/CH PNP/23/2021 DT 18.03.2021 RANBIR SINGH 62/M AS PER MLR INJURY 1. NCCT HEAD AND NEUROSURGEON OPINION WAS ADVISED. AS PER NCCT HEAD DATED 19.03.2021 AT GARG'S DIAGNOSTIC CENTER AGE RELATD CEREBRAL ATROPHY, MEGA CISTERNA MAGNA, CHRONIC BILATERAL PERIVENTRICULAR*

ISCHEMIC CHANGES, SOFT TISSUE SWELLING IN LEFT HIGH PARIETAL REGION 1 INJURY IS SIMPLE 2 INJURY IS SIMPLE DURATION LESS THEN 24 HRS, BLUNT IN NATURE.

KARAN SINGH MLR NO.SOK/CH PNP/25/2021 DT 18.03.2021 AS PER INJURY 2. X-RAY, LT, LEG LAP/LATERAL, INJURY 3. X-RAY RT. KNEE IS ADVISED AS PER X-RAY BOOK CH PNP, 172 19.03.2021 ORTHO OPINION NO FRESH BONE INJURY SEEN SO IN MY FINAL OPINION INJURY 1,2,3 ARE SIMPLE LESS THAN 24 HRS AND BLUNT IN NATURE.

No doubt the injury on the head of Ranbir was opined to be not grievous or dangerous to life. However, the fact of the matter is that an injury was inflicted on his head with a sharp edged weapon.

At the stage of framing of charges, only prima facie case is to be seen. The Court is not required to meticulously weigh the evidence as for the purpose of conviction. A charge can also be amended at any stage based on the evidence before the Court.

For framing of charges the actual injuries sustained by the victim is not determinative. The intention of the accused is to be gathered from the manner of the attack, the situs of the injuries and the weapons used. In the facts and circumstances of this case considering the manner of attack, the weapons carried and used by the accused and the number of injuries sustained by the victims, it cannot be said that there is any error in the order framing charges including under Section 308 IPC against the petitioners.

The argument on behalf of the petitioners that in fact the complainant party was the aggressor would be decided based on the evidence that is led before the Court.

Accordingly, there is no merit in the petition and the same is dismissed.

It is clarified that the observations made herein are only in the context of the impugned order of framing of charges against the petitioners.

July 04, 2022
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No