

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

CRM-M-27096-2020
Date of Decision:-20.07.2022

JASPREET SINGH @ WINKLE

... Petitioner

Versus

STATE OF PUNJAB AND ORS.

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Navkiran Singh, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Bhriagu Dutt Sharma, Advocate
for respondent No.6.

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KARAMJIT SINGH, J. (Oral)

The present petition has been filed by the petitioner under Section 482 Cr.P.C. for issuance of directions to respondents No.1 to 3 to the following effect:-

- i. Constitute SIT to be head by an IPS Officer for conducting free, fair and speedy investigation in case FIR No.170 dated 27.7.2020 registered under Sections 341, 323, 324, 506, 148, 149 IPC at Police Station Division No.3, District Ludhiana (Annexure P-5) after recording correct versions of statement of complainant as well as injured persons including petitioner, as police had failed to invoke the provisions of Sections 307 IPC, which apparently are made

out, since accused persons claim that they have backing of respondent No.5, Waryam Singh ACP Central, Ludhiana.

- ii. Direct respondent No.6 i.e. Medical Superintendent, CMC & Hospital, Ludhiana to constitute a Board of Doctors to re-examine the head injury of petitioner as per the applications of petitioner dated 1.9.2020 (Annexure P-13) as the petitioner received an incised wound on his head and wound was stitched with 18 stitches, yet the report of the Doctor dated 28.7.2020 (Annexure P-12) reveals blunt injury.

Notice of motion was issued in the present petition vide order dated 10.9.2020 and thereafter reply by way of affidavit of Rakesh Aggarwal, IPS, Commissioner of Police, Ludhiana dated 14.1.2021 was filed on behalf of the State and respondent No.6 i.e. Medical Superintendent, CMC and Hospital, Ludhiana filed his separate reply dated 15.1.2021.

The petitioner filed counter-affidavit to the reply dated 14.1.2021 submitted on behalf of the State.

I have heard the counsel for the parties.

The counsel for the petitioner submits that the aforesaid FIR was registered against Harinder Singh Lucky and his companions on the basis of statement of Jaspreet Kaur who is neighbourer of the petitioner. The counsel for the petitioner further submits that the occurrence in question took place on 27.7.2020 and at that time Harinder Singh Lucky gave blow of sharp-edged weapon on the head of the petitioner as a result of which the petitioner became unconscious and was taken to CMC Hospital, Ludhiana for his treatment. The counsel for the petitioner referred to photograph

Annexure P-8 to show that aforesaid head injury was sutured by the concerned doctor by giving 18 stitches. The counsel for the petitioner further submits that aforesaid Harinder Singh Lucky, who is an influential person, was having close acquaintance with respondent No.5 who at that time was posted as ACP, Central (Ludhiana). The counsel for the petitioner further submits that the said police official pressurized and forced the concerned doctor of CMC, Hospital and resultantly the said doctor who medically examined the petitioner gave injury report Annexure P-12 whereby the aforesaid head injury was declared as simple in nature and caused with blunt weapon. That the said injury report was manipulated to favour Harinder Singh Lucky. The counsel for the petitioner further submits that the aforesaid injury being caused with deadly weapon on the vital part of the petitioner, clearly shows the intention of Harinder Singh Lucky to kill the petitioner. The counsel for the petitioner further contends that the aforesaid head injury caused with deadly sharp weapon by Harinder Singh Lucky is covered under the provisions of Section 307 IPC but the police declared it simple in nature. That the petitioner approached the local police of Ludhiana seeking re-examination of the aforesaid head injury of the petitioner by board of doctors and further to constitute SIT to conduct free and fair investigation in the case. The counsel for the petitioner further submits that however the concerned police authorities failed to take any action in this regard. The counsel for the petitioner further submits that in view of the aforesaid factual position, necessary directions be issued in the present case.

The present petition is opposed by the State counsel as well as the counsel for respondent No.6. The State counsel submits that the local police and the concerned doctors acted in accordance with law without having been pressurized by any person or police official. The counsel further submits that the concerned doctor who examined the petitioner gave his detailed injury report (Annexure P-12) to the effect that injury on the head of the petitioner was found to be simple in nature, which was caused by blunt weapon. The State counsel further submits that thereafter the said report was also reviewed by the medical board of specialist doctors of CMC Ludhiana as is evident from Annexure R-1. The State counsel further submits that even the aforesaid medical board also gave opinion that the injury in question was simple in nature. The State counsel further submits that in these circumstances, no ground is made for interference in the present petition.

The counsel for respondent No.6 also argued on the same lines.

I have considered the submissions made by the counsel for the parties.

The petitioner who is stated to have received head injury at the time of the occurrence was examined by the concerned doctor of CMC Hospital, who after going through the entire record declared the said injury to be simple in nature and caused with blunt weapon. The said injury report dated 28.7.2020 is Annexure P-12. From the perusal of Annexure R-1, it appears that the aforesaid injury report of the petitioner was reviewed by medical board of specialist doctors of CMC Hospital and even the medical

board has agreed with the injury report (Annexure P-12) as per which the head injury in question was found to be simple in nature.

The petitioner has failed to show that the aforesaid injury report Annexure P-12 and opinion of medical board Annexure R-1 are given by the concerned doctor(s) under the influence of any police official/officer. Injury report Annexure P-2 is a detailed report giving description of the injury in question. As per injury report (Annexure P-12), there was no evidence of any fracture.

The issue as to whether the person who attacked the petitioner was having any intention to kill him, is to be considered by the Court concerned at the appropriate stage.

In view of the matter, no interference is called for by this Court in exercise of its inherent powers under Section 482 Cr.P.C. The present petition stands disposed of accordingly.

(KARAMJIT SINGH)
JUDGE

20.07.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No