

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

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**CRM-M No.31551 of 2022
Date of Decision: 15.09.2022**

Shubham Raghav

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. V.K. Singh, Advocate
 for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant petition, the petitioner herein seeks the indulgence of this Court for the issuance of a direction to the respondents to add the offence under Section 307 IPC in the criminal case registered vide the FIR bearing No.163 dated 04.06.2022 at Police Station Bhondsi, Gurugram and to take appropriate action against the accused persons or in the alternative, to issue a direction to respondents No.2 and 3 to decide the representation dated 09.06.2022 (Annexure P-4) moved by him for the afore-said purpose, while averring that the accused arraigned in the above-said FIR had caused injuries to him as well as his father Manoj with iron rod and sticks but despite the nature of the injuries suffered by them, the offence under Section 307 IPC has not been invoked in the case and no action has been taken by the respondents on his above-mentioned representation.

2. Ms. Ambika Sood, learned Additional Advocate General,

Haryana, has appeared on behalf of all the respondents in this case in pursuance of the copies of the present petition having been sent to the respondent-State in advance and on the instructions from HC Jogender from the afore-said police station, she apprises the Court that the investigation in respect of the subject FIR is still continuing and representation Annexure P-4, as preferred by the petitioner to respondent No.2, has already been filed in view of the medical opinion qua the nature of the injuries suffered by the petitioner and his father. She has also submitted the copies of the Medico-Legal Reports of the petitioner and his father, along-with the opinion given by the doctor concerned qua the nature of the injuries suffered by them.

3. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

4. Learned counsel for the petitioner refers to the photograph Annexure P-3 and he points out that the petitioner had sustained the injury on his head which could have proved fatal for him but despite this fact, the police has not added the offence under Section 307 IPC in the FIR and therefore, the necessary direction may be given to the respondents in this regard.

5. However, I do not find the above-raised contention to be tenable at all because concededly, the investigation has not yet been concluded in the present case. Then, a perusal of the copy of the opinion of the doctor reveals that it has been opined therein that the injuries suffered

by the petitioner and his father seemed to be simple. As mentioned earlier, representation Annexure P-4 is reported to have already been filed in view of the said medical opinion.

6. As a sequel to the fore-going discussion, this Court is of the considered opinion that the present petition deserves dismissal and the same stands dismissed accordingly.

7. However, it is clarified that the petitioner will be at liberty to raise the pleas, as may be permissible to him under law, at the relevant stage before the competent forum.

15.09.2022
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*