

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**239****CRM-M-20850-2021****Date of decision: 14.09.2023**

Ajmer Singh

....Petitioner

V/s

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sahil Pawar, Advocate for
Mr. Sukhjit Singh, Advocate for the petitioner.
Mr. Mohit Thakur, AAG Punjab.

ARUN MONGA, J. (Oral)

Petitioner seeks a directive against respondent Nos. 2 and 3 to conduct an unbiased inquiry/investigation into FIR No.0019 dated 19.01.2021, Police Station, City Kharar, which was initially registered under Sections 323, 324, 326 read with 34 IPC. He also requests the inclusion of Section 307 IPC in the same FIR.

2. According to the FIR, on 18.01.2021, the petitioner was admitted to Civil Hospital due to injuries sustained during a fight. The petitioner, a Kiryana shop owner and resident of Khanpur, claimed that while he was putting bricks on his land, his brother Dalvir Singh, accompanied by his wife Paramjit Kaur and daughters Sandeep Kaur and Mandeep Kaur, objected to the same. An altercation ensued, leading to Dalvir Singh assaulting the petitioner with a kirpan, causing injuries to his neck and ear. The petitioner reported the incident, and a medico-legal report revealed grievous and simple injuries. Consequently, a case was registered under Sections 323, 324, 326 with 34 IPC against the accused at Police Station City Kharar.

3. During the investigation, statements of witnesses were recorded, Dalvir Singh was arrested. Subsequently, in the investigation report Section 326

IPC was substituted with Section 325 IPC, with the other co-accused listed in Column No.2.

4. The petitioner's counsel argues that the injuries were severe and could have been fatal, warranting the addition of Section 307 IPC. A representation was also given to Senior Superintendent of Police, Mohali (respondent No.2) but to no avail.

5. The State counsel contends that a comprehensive investigation was conducted, and the modification of charges from Section 326 IPC to Section 325 IPC was based on the medical report. He asserts that the petitioner's representation was duly considered and no action is warranted in the same.

6. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

7. In view of medical opinion given by the doctor, it is evident that offence under Section 307 IPC is not made out. Moreover, an inquiry into the representation of petitioner has also been made by police and the allegation therein were found to be untenable. Insofar offence under Section 326 IPC is concerned, the same has been deleted on the basis of reports received from the board of doctors. Moreover, the allegations of threat perception alleged by petitioner has already been looked into by the Police and the same were found to be baseless. From the material on record, it transpires that investigation has already been conducted impartially.

8. In the premise, instant petition is hereby dismissed.

9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 14, 2023
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No