



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

CRM-M-9720-2021
Date of decision: 03.09.2024

Rajdeep Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Lupil Gupta, Advocate and
Mr. Nitin Goswami, Advocate for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana

KARAMJIT SINGH, J. (ORAL)**CRM-33780-2024**

The present application is allowed in the light of the direction given by this Court in its previous order dated 15.04.2024 and the order (Annexure P-5) whereby trial Court had framed charges against the accused persons is taken on record.

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1. The counsel for the complainant submits that the petitioner suffered grievous injury with sharp edged weapon on his person which prima facie attracts offence under Section 326 IPC. That however, the trial Court did not frame any charge with regard to offence under Section 326 IPC and the accused were charged only under Sections 323, 506 read with Section 34 IPC as is clear from Annexure P-5. It is further submitted that being aggrieved, the petitioner has filed the present petition seeking



modification/alteration of the charges.

2. The State counsel submits that the present petition be disposed of in accordance with law.

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

4. Admittedly, the trial is going on. Section 216 Cr.P.C is an enabling provision which enables the trial Court to alter or add to any charge at any time before judgment is pronounced and if any alteration or addition to a charge is made, the Court has to follow the procedure as contained in Section 217 Cr.P.C.

5. In light of the above, the present petition is hereby disposed of with liberty to the petitioner to file application under Section 216 Cr.P.C seeking modification/alteration of charges within 7 days of the recording of entire medical evidence and in case, such evidence is already recorded, the aforesaid application under Section 216 Cr.P.C should be filed by the petitioner within next 7 days from today. If any such application under Section 216 Cr.P.C is moved by the petitioner, the same is to be considered and decided by the learned trial Court in accordance with law after taking into consideration the aforesaid medical evidence.

6. The present petition is disposed of in aforesaid terms, without expressing any opinion on the merits of the case.

03.09.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No