

**CRR-1879-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.109****Case No. : CRR-1879-2024****Decided On : September 24, 2024**

Aniket Saini and another Petitioners

vs.

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr.Arjun Sheoran, Advocate
with Ms. Tejasvi Sheokand, Advocate
and Mr. Rohan Gupta, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

1. Challenge in the present revision petition is to the order dated 23.08.2024, passed by learned Sessions Judge, Kurukshetra (hereinafter referred to as – Trial Court), vide which the petitioners have been ordered to be charge-sheeted for the offence under Sections 323, 326-A read with Section 34 IPC.

2. The case in question was registered on the statement of one Santosh Devi, wherein she stated the she (complainant) was running a Tea Stall and petitioner no.2 was also running Tea Pakora Stall near her Stall.

On 08.04.2024, at about 09:30 AM, the complainant and her relatives were



working on her Stall, when her nephew Sahil parked his motorcycle near the Stall of petitioner Baljeet Saini. Both the petitioners started hurling filthy abuses at Sahil. They also gave a blow with *khauncha* (shovel) to Sahil. The complainant brought Sahil to her Stall and stopped both parties from fighting. Then, petitioner Baljeet Saini came from behind with a jug of hot oil and threw the same on all of them. They all suffered burn injuries. Sahil, Deepak, Ravi, Sonia and minor child Surya received many burns and were taken to CHC, Pehowa, from where Sahil was referred to L.N.J.P. Hospital, Kurukshetra. Consequently, case under Sections 323, 326-A, 326-B, 34 IPC was registered at Police Station City, Pehowa. After completion of necessary formalities, challan was presented against the petitioners.

3. Learned counsel for the petitioners has argued that offence under Section 326-A is not made out at all as it pertains to causing injury with acid but learned Trial Court failed to take the note of the same.

4. Notice of motion.

5. Pursuant to advance notice, Mr. Karan Sharma, DAG, Haryana is present to assist the Court.

6. Learned State counsel has opposed the submissions of learned counsel for the petitioner, submitting that keeping in view the gravity of offence, alleged to have been committed by the petitioner, there is no illegality in the impugned order passed by learned Trial Court. So, the present petition deserves dismissal.

7. I have heard the submissions of learned counsel for the petitioner



as well as learned State counsel and perused the case file.

8. In the case in hand, charge has been framed against the petitioner under Sections 323 and 326-A read with Section 34 IPC, vide impugned order dated 23.08.2024. Section 326-A IPC reads as under :-

“326-A : *Voluntarily causing grievous hurt by use of acid, etc. - Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine :*

Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim :

Provided further that any fine imposed under this section shall be paid to the victim.”

9. A perusal of the above quoted Section reveals that the same is with regard to causing injuries with acid etc. the case of the prosecution is that hot oil was poured to cause injuries. So, Section 326-A is not attracted at all in this case. Therefore, the present revision petition is allowed and the impugned order dated 23.08.2024 is hereby set aside. The learned Trial

Court is directed to hear the arguments and pass fresh speaking order on the

question of framing of charge and then proceed further in accordance with law.

10. Pending applications, if any, shall stand disposed of along with this judgment.

September 24, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.