



CRM-M-3265-2024 (O&M)

1

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

279

CRM-M-3265-2024 (O&M)
Date of decision: 10.11.2025**HIRA LAL AND ANOTHER****.... PETITIONER(S)****VERSUS****STATE OF PUNJAB AND OTHERS****....RESPONDENT(S)****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**Present: Mr. Ravish Bansal, Advocate
for the petitioner(s).

Ms. Navreet Kaur Barnala, AAG, Punjab.

Mr. Rythem Bajaj, Advocate
for respondent Nos.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of Cr.PC. is for setting aside the order dated 29.11.2023 (Annexure P-9) passed by the Judicial Magistrate First Class, Abohar, whereby the application dated 04.05.2022 (Annexure P-8) under Section 323 Cr.P.C for enhancement of offence and for committing the case arising out of FIR No.97 dated 30.06.2020 (Annexure P-6) registered at Police Station Khuian Sarwar, District Fazilka under Sections 324, 34 IPC to the Court of Sessions Judge, Fazilka has been dismissed.

2. The learned counsel for the petitioner contends that a bare reading of the Medical Legal Report (Annexure P-1) and the discharge summary (Annexure P-2) would reveal that the injured/Heera Lal had



suffered *parietal extradural hematoma alongwith decompressive craniectomy*. The seat alongwith the nature of the injury caused and the weapon used which is a spade would clearly make out a case under Section 307 IPC and not under Section 324 IPC, for which the challan was submitted. He therefore prays that the case be committed to the Court of Sessions under Section 323 of Cr.PC.

3. The learned counsel for the State and the learned counsel for the complainant, on the other hand, contend that at the stage of framing of charges, the petitioner had moved an application under Section 216 Cr.P.C for framing charges under Section 307 IPC. The said application had been dismissed on the ground that the petitioner/injured had not appeared before a Board of Doctors to get himself examined. It had been further found that the Court of a Magistrate could not have framed charges under Section 307 IPC. Therefore, the application had been dismissed with the observation that the evidence of doctors ought to be recorded prior to moving of an application under Section 216/323 Cr.PC.

4. I have heard learned counsels for the parties.

5. A perusal of the record would reveal that the petitioner had indeed suffered serious injuries, if the discharge summary is to be believed. However, the doctors who examined the petitioners at various stages are required to be examined as prosecution witnesses before any Court can come to a *prima facie* finding, that an offence under Section 307 IPC is made out.

**CRM-M-3265-2024 (O&M)****3**

6. In view of the above the present petition is disposed of with the liberty to the petitioner to move an appropriate application under Section 216/323 Cr.PC after all the doctors have produced the medical evidence.

7. It is made clear that this Court has expressed no opinion on the merits of the case.

8. All the pending miscellaneous applications, if any, stand disposed of.

10.11.2025*Kusum***(JASJIT SINGH BEDI)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**