



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Criminal Revision No.736 of 2025 (O&M)

Date of decision: July 9th, 2025

Dalbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sumit Dua, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.**CRM-11274-2025**

Prayer in this application is for condonation of delay of
9 days in filing the petition.

For the reasons mentioned in the application, the same is
allowed.

Delay of 9 days in filing the petition stands condoned.

CRR-736-2025

The present petition has been filed assailing the order dated
04.12.2024 passed by learned Additional Session Judge, Amritsar,
whereby the application filed by the petitioner under Section 216 of the
Cr.P.C. seeking alteration of charges in DDR No.16 dated 24.03.2020
(Annexure P-2) in FIR No.22 dated 02.03.2020, Police Station Ajnala,
Amritsar, was dismissed.

2. Learned counsel for the petitioner, *inter alia*, contends that
the learned trial Court has committed a grave error in dismissing the
petitioner's application under Section 216 of the Cr.P.C. seeking

addition of a charge under Section 307 of the IPC. It is submitted that the petitioner was subjected to a targeted and brutal assault by multiple accused persons armed with sharp-edged weapons, resulting in injuries to the neck, chest, and upper limbs. While drawing attention to the DDR annexed as Annexure P1, learned counsel submits that petitioner Dalbir Singh was brutally attacked by the accused persons: Kulwinder Singh allegedly inflicted a blow with a *kirpan* on the neck of the petitioner; Lakhbir Singh assaulted him with a *datar* on the chest; and Manjeet Singh also repeatedly struck him on the right side of the chest. It has submitted that the manner and location of the injuries clearly point to an intention to cause death or such bodily harm likely to result in death.

3. Learned counsel has further argued that the petitioner had remained admitted for over twenty days in different hospitals and had undergone surgeries of the throat and chest. In support, learned counsel has drawn the attention of this Court to MLR annexed as Annexure P-3. Learned counsel has still further argued that radiological investigations revealed fractured ribs, subcutaneous emphysema, and pneumothorax: all indicative of life-threatening trauma; the learned trial Court failed to appreciate the cumulative impact of the injuries and circumstances, and mechanically relied on the absence of a specific medical opinion to deny invocation of Section 307 of the IPC. Learned counsel has thus contended that the nature, location, and multiplicity of injuries coupled with the duration of hospitalization and the necessity for surgical intervention are sufficient to attract the ingredients of attempt to murder and therefore the charge under Section 307 of the IPC ought to have been framed against the accused persons.

4. I have heard learned counsel for the petitioner and perused the relevant material on record.

5. At the very outset, it must be observed that the impugned order rejecting the petitioner's application under Section 216 of the Cr.P.C. seeking alteration of charge is interlocutory in nature, and therefore, the present revision petition is not maintainable in light of the express bar under Section 397(2) of the Cr.P.C.

6. The Hon'ble Supreme Court in ***K. Ravi Versus State of Tamil Nadu, 2024 INSC 642*** while dealing with a materially identical issue, has authoritatively held:

“8. It is pertinent to note that the order dismissing application seeking modification of charge would be an interlocutory order and in view of the express bar contained in sub-section (2) of Section 397 Cr.P.C., the Revision Application itself was not maintainable.

XXXXX

10. Thus, the scope of interference and exercise of jurisdiction under Section 397 Cr.P.C. is extremely limited. Apart from the fact that subsection 2 of Section 397 prohibits the Court from exercising the powers of Revision, even the powers under sub-section 1 thereof should be exercised very sparingly and only where the decision under challenge is grossly erroneous, or there is non-compliance of the provisions of law, or the finding recorded by the trial court is based on no evidence, or material evidence is ignored or judicial discretion is exercised arbitrarily or perversely by framing the charge. The Court exercising Revisional Jurisdiction under Section 397 should be extremely circumspect in interfering with the order framing the charge, and could not have interfered with the order passed by the Trial Court dismissing the application for modification of the charge under Section 216 Cr.P.C., which order otherwise would fall in the category of an interlocutory order.”

7. Thus, what flows from the above observations of the Hon'ble Supreme Court is that an order passed under Section 216 of the Cr.P.C. refusing modification or alteration of charge is, in its very nature, interlocutory, and as such, the present revision is rendered not maintainable in view of the bar contained in Section 397(2) Cr.P.C.

8. Even otherwise on merits, no case for interference is made out. No doubt the petitioner suffered multiple incised injuries and underwent prolonged medical care, the medico-legal report does not offer any opinion that the injuries were dangerous to life, nor is there material to indicate that the injuries were inflicted with the intent or knowledge required to invoke Section 307 of the IPC.

9. It is also relevant to note that the FIR and the DDR present mutually contradictory versions of the incident, including with respect to the place of occurrence and role of each party. While the FIR projects the petitioner as the aggressor, the DDR, which is a cross-version lodged by the petitioner, suggests otherwise. In such a factual scenario, where the place of the occurrence and the narrative itself is in dispute, it would be premature to impute the necessary *mens rea* contemplated under Section 307 of the IPC.

10. The learned trial Court, in declining to alter the charge, has, therefore, rightly refrained from engaging in a factual analysis which lies exclusively within the domain of trial.

11. Accordingly, the present revision petition stands dismissed, both on the ground of non-maintainability and on merits.

July 9th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No