

CRM-M-22298-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.123

Case No. : CRM-M-22298-2025

Decided On : November 11, 2025

Surender Kumar Petitioner
vs.
State of Haryana and others Respondents

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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Present : Mr. Balraj Gujjar, Advocate
and Ms. Shweta Bawa, Advocate
for the petitioner.

Mr. R. K. Singla, Addl. A. G. Haryana.

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SUKHVINDER KAUR, J. :

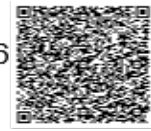
Prayer in the present petition, filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is for quashing the impugned judgment dated 28.02.2025, passed by learned Sessions Judge, Bhiwani (Annexure P-8), thereby dismissing the revision petition filed by the petitioner, assailing the order dated 14.12.2023 (Annexure P-6), passed by learned Judicial Magistrate Ist Class, Bhiwani, whereby application filed by the petitioner, under Section 216 Cr.P.C., for alteration of charge under Section 326 instead of Section 325 IPC, has been dismissed.

Brief facts, relevant for the purpose of adjudication, are that FIR No.642 dated 09.11.2022, under Sections 323/325/341/506/34 IPC was registered at Police Station City Bhiwani, District Bhiwani, with the allegations that private respondents no.2 and 3 brutally attacked the



petitioner on 28.10.2022, while using a metal punch. It has been alleged that the petitioner suffered two fractures on his mandible, due to which he could not properly chew food. It has been further alleged that after completion of investigation, the police filed Challan under Section 325 IPC instead of Section 326 IPC. It was alleged by the petitioner before the Trial Court that weapon used in the crime was dangerous and in normal course, life of a person could be easily taken while hitting by boxing metal punch. It has been alleged that all the ingredients attracting Section 326 IPC were fulfilled. The petitioner also filed an application under Section 216 Cr.P.C. dated 13.04.2023 for alteration of charges before learned Judicial Magistrate Ist Class, Bhiwani, alleging that weapon used in the crime was dangerous to life and accused caused grievous injuries to the petitioner. Therefore, Section 326 IPC is made out instead of Section 325 IPC. The said application was dismissed by learned Trial Court vide order dated 14.12.2023 (Annexure P-6). The petitioner assailed the order of learned Trial Court before the learned Sessions Judge, Bhiwani but the revision petition filed by the petitioner was also dismissed vide impugned order dated 28.02.2025 (Annexure P-8). Aggrieved against the aforesaid orders passed by learned Judicial Magistrate Ist Class, Bhiwani and learned Sessions Judge, Bhiwani, the petitioner has approached this Court by way of present petition.

Learned counsel for the petitioner contended that the accused inflicted injuries to the petitioner with a dangerous weapon i.e. metal punch and as such, legal requirement for attracting Section 326 IPC was complete

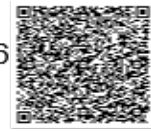
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but the Courts below failed to appreciate this aspect and did not frame charges under Section 326 IPC. The metal boxing punch was of such nature, that in the ordinary course, a person could be easily killed with this weapon. He urged that the requisite mandatory requirement for attracting Section 326 IPC is fulfilled, which aspect has been ignored by the Courts below. Thus, the impugned orders suffer from perversity and illegality and are liable to be set aside.

The petitioner filed application under Section 216 Cr.P.C. before the learned Trial Court for addition/alteration of charge under Section 326 instead of Section 325 IPC, on the ground that one of the accused namely Charuk Boxer had caused grievous hurt to the petitioner by using solid metal punch i.e. a dangerous weapon, due to which jaw of the petitioner was broken and the concerned doctor opined the said injury as grievous in nature.

For ready reference, Section 326 IPC is being reproduced here-under :-

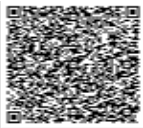
“Whoever, except in the case provided for by Section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal,



shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

A bare reading of the aforesaid Section reveals that to fulfill the ingredients of Section 326 IPC, the grievous hurt is to be caused or inflicted by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal.

In the instant case, as per the version of the petitioner, the weapon used for commission of offence was “solid metal punch”. The learned Trial Court has rightly observed that a metal punch cannot be said to be such weapon of offence, which is likely to cause death and also is not a weapon used for cutting and stabbing. There was fracture of left side of body of mandible and linear un-displaced fracture of right side of body of mandible but no life threatening injury was stated to have been suffered by the petitioner. A metal punch cannot be said to be a weapon and by its very nature, could be termed as an instrument, and if used as a weapon of offence, would not probably cause death and is also not a weapon to be used for cutting and stabbing. So, the Courts below have rightly reached at a conclusion that the alleged offence falls under Section 325 IPC and no offence under Section 326 IPC prima facie is made out.



In view of the aforesaid facts and circumstances, no ground is made out to interfere with the orders passed by the Courts below. Accordingly, the present petition, being devoid of any merit, stands dismissed.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present petition.

Pending application(s), if any, shall stand disposed of along with the present petition.

November 11, 2025
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(SUKHVINDER KAUR)
JUDGE

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