



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

248

CRR-1595-2023 (O&M)

Date of decision: 04.12.2025

Darshan Singh

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Mohit Garg, Advocate for the petitioner(s).

Mr. Saurav Verma, Addl. A.G., Punjab.

Mr. P.S. Dhaliwal, Advocate for the respondent(s)/accused.

VINOD S. BHARDWAJ, J. (Oral)

1. The present criminal revision petition has been filed against the order dated 02.06.2023 passed by the Additional Sessions Judge, Barnala whereby the application filed by the petitioner under Section 311 Cr.P.C. for re-examination of Dr. Harcharan Singh and examination of Dr. Harpreet Singh Gilhotra and Dr. G.S. Wander, has been dismissed.

2. Counsel for the petitioner submits that FIR No. 47 dated 22.05.2013 was registered for offences under Sections 506, 148, and 149 of the Indian Penal Code, 1860, as well as Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, at P.S. Barnala on the statement of the petitioner, Darshan Singh. According to the FIR, on 21.05.2013, there was election of Block Samiti. Pritam Kaur, sister-in-law of the petitioner, had contested the Block Samiti elections on a Congress Party ticket, while Virsa Singh had contested the same on behalf of



the Akali Party. Pritam Kaur emerged victorious in the counting and during the celebrations following her win, at approximately 10:00 p.m., the accused persons namely Gurdeep Singh @ Gabbar, Daljit Singh @ Dali, Babu Ram, Darshan Ram, along with former Sarpanch Virsa Singh armed with sticks and baseball bats, entered the house of Lal Singh and they assaulted the occupants, hurled abuses and issued threats, resulting in Lal Singh, brother of the complainant, suffering a heart attack. He was immediately taken to the hospital, where he was declared dead.

3. Counsel contends that the deceased, Lal Singh, had a long-standing history of cardiac ailments. He had earlier been admitted to Fortis Hospital, Mohali, in the Department of Cardiology, where he underwent coronary angiography and angioplasty on 02.11.2007. Later, he also received treatment for heart disease at Dayanand Medical College and Hospital, Hero DMC Heart Institute, Ludhiana. He contends that the report concerning the cause of Lal Singh's death was referred to Dr. Harcharan Singh, Associate Professor of Medicine, Government Medical College, Patiala, who later deposed as PW-11 before the Court. However, the earlier medical history of the deceased, including his significant cardiac issues, was not placed before the medical authorities at the relevant time, thereby resulting in an opinion that was formed solely on the basis of incomplete medical records presented to the Medical Board.

4. He further contends that on 06.06.2014, a letter bearing No.14292/SSP was sent to Principal Medical College, Barnala regarding the written report regarding the cause of death of Lal Singh. The said report



reads thus:-

“In view of the above, the possibility of cause of death as a result of Cardiovascular disease (heart disease for which previous Cardiac intervention was done), in this case cannot be ruled out, further it may be co-related with circumstantial evidence.”

5. In order to substantiate the assertion that the deceased, Lal Singh, was a known cardiac patient, suffering from pre-existing heart ailments, and that the accused persons were aware of his medical condition yet issued threats with an intention of aggravating his anxiety and precipitating a cardiac episode, the petitioner filed an application seeking permission to examine the two medical specialists. The request pertained to the examination of Dr. Harpreet Singh Gilhotra, Associate Consultant, Department of Cardiology, Fortis Hospital, Sector-62, Mohali and Dr. G.S. Wander, D.M. (Cardiology), Professor and Chief Cardiologist, Dayanand Medical College and Hospital, Unit Hero DMC Heart Institute, Ludhiana. According to the petitioner, the testimony of these experts was essential to establish the deceased's cardiac history and to demonstrate the causal link between the alleged threats and the fatal heart attack.

6. Counsel for the petitioner contends that the proposed evidence is indispensable for establishing that the deceased had long been suffering from cardiovascular ailments, a fact which was within the knowledge of the accused. It is argued that the deceased himself indicated in his testimony that the accused persons were aware of his cardiac condition and therefore, the



additional medical evidence sought to be led is essential to demonstrate that the accused/respondents intentionally extended threats with full awareness of the deceased's vulnerability. Learned counsel submits that such conduct, when viewed in light of the deceased's pre-existing medical fragility, materially contributed to aggravating the circumstances culminating in his death and that the proposed evidence is thus vital for a just adjudication of the matter.

7. Upon a specific query posed from the Court, counsel for the petitioner fairly submitted that the purpose of leading the proposed evidence is to bring the case within the ambit of Section 300 (4) of the Indian Penal Code, 1860, with a view to seek prosecution of the respondents-accused for the said offence.

8. Learned State counsel submits that the Doctor examined as PW-11 was provided only with the medical documents placed on record by the investigating agency and that the earlier medical history of the deceased dating back to 2007 was never furnished to him. It is thus, contended that the opinion rendered by PW-11 cannot be regarded as a comprehensive or conclusive medical opinion, as it was formed on the basis of an incomplete set of medical records.

9. Counsel appearing on behalf of the respondent-accused, however, contends that the order passed by the Trial Court has duly taken into account all relevant considerations, including the true object and purpose behind the petitioner's attempt to lead additional evidence. It is submitted that the Trial Court, upon a comprehensive evaluation of the



record, rightly concluded that the circumstances warranting such evidence were wholly absent and that the proposed testimony was not necessary for the just adjudication of the matter. Learned counsel argues that the present petition represents an attempt by the petitioner to indirectly secure what he had been unable to obtain directly before the Trial Court.

10. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the instant petition with their able assistance.

11. The petitioner's application under Section 311 Cr.P.C., seeking the summoning of additional medical witnesses and the re-examination of an earlier witness, was rejected by the Trial Court vide order dated 02.06.2023 after noticing that the prosecution evidence had already been concluded on 23.02.2023, the statements of the accused under Section 313 Cr.P.C. had also been recorded and the matter stood posted for defence evidence. The Court further noted that the petitioner's plea that certain medical documents were not brought on record either by the Public Prosecutor or the Investigating Officer was untenable in view of the fact that the complainant-petitioner had also engaged a private counsel to assist the prosecution. The Trial Court also took into account that, at an earlier stage, the complainant had moved an application seeking the framing of a charge under Section 302 IPC, which was subsequently withdrawn by the Public Prosecutor. Likewise, a later application dated 28.11.2016, seeking alteration of charge, had been filed and the same had also been withdrawn.

12. It was further noticed by the Trial Court that the petitioner had



earlier filed a complaint bearing No. 3 dated 06.02.2015 titled *Darshan Singh v. Virsa Singh and Others* under Sections 302, 460, 506, 148, 149 of the Indian Penal Code, 1860 read with Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 before the Court of the then Additional Chief Judicial Magistrate, Barnala. In the said proceedings, the Court categorically held that no offences under Sections 302 and 460 IPC were made out against the accused and had dismissed the complaint, which order of dismissal has since attained finality. In view of the earlier judicial determination negating the allegation that the accused had caused or contributed to the death of Lal Singh, the Trial Court concluded that the petitioner's present attempt to revive the theory that the accused, being aware of Lal Singh's cardiac condition, had aggravated the same through threats and intimidation, stood sufficiently tested and rejected at multiple stages and different proceedings. Consequently, the Trial Court held that the evidence sought to be examined as per the application under Section 311 Cr.P.C. was not essential for the just and fair adjudication of the case and declined to accede to the petitioner's request.

13. It is evident from a perusal of the case record that the FIR was initially registered alleging the commission of offences under Sections 304, 506, 148 and 149 of the Indian Penal Code, 1860, as well as Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. However, upon completion of the investigation, the Police submitted a final report concluding that only the offences under Sections 506, 148, and 149 IPC read with Section 3 of the 1989 Act were made out. Significantly,



the allegation under Section 304 IPC was dropped, thereby excluding any charge relating to culpable homicide from the scope of the proceedings.

14. It further stands undisputed that charges for the aforesaid offences were framed on 02.11.2016 without objection from either party. Thereafter, the prosecution moved an application before the Trial Court seeking the addition of a charge under Section 302 of the Indian Penal Code, 1860; however, this application was subsequently withdrawn by the prosecution. A second attempt was made on 28.11.2016 to seek alteration of the charges under Section 216 Cr.P.C., once again with the objective of incorporating an offence under Section 302 IPC. This application too was dismissed as withdrawn. Thus, despite multiple opportunities, the prosecution itself elected not to pursue the framing or alteration of charges to include an offence of murder.

15. Apart therefrom, it is also a matter of record that the petitioner had earlier instituted a separate complaint bearing No. 3 dated 06.02.2015 titled *Darshan Singh v. Virsa Singh and Others*, wherein he sought prosecution of the respondents-accused for the offences punishable under Sections 302 and 460, in addition to Sections 506, 148, 149 of the Indian Penal Code, 1860 and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The said complaint was adjudicated by the Court of the Additional Chief Judicial Magistrate, Barnala, which, vide order dated 01.07.2016, recorded a categorical finding that no offences under Sections 302 or 460 IPC were made out against the accused persons. Consequently, the complaint was dismissed.



16. It is thus evident that on three separate occasions first at the behest of the prosecution, next through an application for alteration of charge and thereafter by way of an independent complaint filed by the petitioner, attempts were made to secure the addition of a charge under Section 302 of the Indian Penal Code, 1860. Each of these endeavours failed and the findings recorded therein have attained finality. Having been unsuccessful on all these fronts, the petitioner has now approached this Court through the present petition, seeking permission to lead additional evidence with a view to introduce the deceased Lal Singh's prior medical history dating back to 2007, during which he had been under treatment at Dayanand Medical College and Hospital, Unit Hero DMC Heart Institute, Ludhiana, as well as at Fortis Hospital, Mohali.

17. The attempt on the part of the petitioner to bring the present matter within the ambit of Section 300 (4) of the Indian Penal Code, 1860, so as to ultimately lay a foundation for framing a charge under Section 302 IPC, is nothing but an effort to achieve indirectly what he has repeatedly failed to achieve directly before the competent courts.

18. Moreover, even assuming *arguendo* that the petitioner's plea is accepted and the proposed additional evidence is permitted, such evidence would, at its highest, only establish that the deceased was a cardiac patient with a history of heart ailments. This, however, does not satisfy the essential requirement of proving that the respondents-accused were aware of the deceased Lal Singh's medical condition, nor does it establish any causal nexus between the alleged threats and the fatal cardiac event. The existence



of a pre-existing medical condition, without proof of the accused's knowledge thereof and the awareness of consequences, cannot by itself sustain a charge or attract the principles embodied in Section 300 (4) IPC.

19. It is significant to note that the earlier medical treatment received by the deceased, Lal Singh, pertains to the year 2007, whereas the incident in question occurred in the year 2014 i.e. after a gap of nearly seven years. The Doctors sought to be examined can only prove medical history and not knowledge of accused about the same. Petitioner has not deferred to any evidence to show that the said burden of proof has been discharged and it has been established that the accused had knowledge of the same.

20. In such circumstances, a mere self-serving assertion by the petitioner that the respondents-accused were aware of the deceased's medical history cannot, by itself, constitute sufficient material to draw an inference of specific knowledge on their part regarding cardiac condition of the deceased, at the time of the incident. The petitioner seeks to derive an inference that is neither supported by the record nor capable of being established through the proposed witnesses. Even if examined, such medical experts can only speak to the treatment administered to Lal Singh and the nature of his ailments; they cannot testify as to whether the respondents-accused were aware of those conditions. Thus, the very foundation of the petitioner's plea remains speculative and incapable of being substantiated through the evidence sought to be introduced.

21. I find that the reasons assigned by the trial Court for declining the application filed under Section 311 Cr.P.C., finding the same to be an



abuse of process of law and only to make out a new case despite having failed in such attempts on three different occasions, is valid, lawful and justifiable. I do not find existence of sufficient grounds to disagree with the findings recorded by the trial Court.

22. Consequently, lacking merits, the present petition is *dismissed*.

(VINOD S. BHARDWAJ)
JUDGE

04.12.2025

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No