

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:097356



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CRM-M-41095-2025 (O&M)

Date of Decision: 31.07.2025.

Sukhwinder Singh

...Petitioner.

Versus

State of Punjab and others

...Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Amrit Singh Kang, Advocate for the petitioner.

Ms. Gagandeep Kaur, DAG, Punjab.

SUKHVINDER KAUR, J.

Present petition has been filed under Section 528 of BNSS for quashing of order dated 03.01.2024 (Annexure P-5) passed by learned Judicial Magistrate Ist class, Ludhiana and order dated 12.03.2025 passed by learned Additional Sessions Judge, Ludhiana, whereby an application filed by the petitioner under Section 216 of Cr.P.C. for amendment of charges by addition of Sections 326 and 452 of IPC was dismissed and revision against the said order was also dismissed.

2. Brief facts relevant for the purpose of disposal of the present petition are that the petitioner got registered FIR No.202 dated 30.08.2017, under Sections 323, 325, 506, 34 IPC, registered at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana, against Jaswant

Singh, Randeep Singh @ Rinlu, Sandeep Singh @ Nikku and Amandeep Singh @ Amna for attacking the petitioner on 27.08.2017 with iron rods leading to fracture of ulna bone of his right arm for which he was operated on 30.08.2017 and surgical plates were inserted. During investigation of case, wife of the petitioner moved an application dated 18.10.2017 for addition of offences under Sections 307, 452 and 326 of IPC against the accused persons. The offence under Section 326 of IPC was added and challan under Section 173 Cr.P.C. was presented on 20.03.2018 under Sections 326, 323, 506 and 34 IPC against the accused persons.

3. The Court of learned Judicial Magistrate Ist Class, Ludhiana vide order dated 23.07.2018 framed charges against respondents No.2 to 6, under Sections 323, 325, 506 and 34 IPC. The petitioner moved an application under Section 216 of Cr.P.C. for amendment of charges by adding offences under Sections 326 and 452 IPC. Learned trial Court vide order dated 03.01.2024 dismissed the application filed by the petitioner stating that the injuries had been caused to the petitioner by using iron rod, so no offence under Section 326 of IPC was made out.

4. The petitioner filed revision petition against order dated 03.01.2024 before learned Sessions Court, Ludhiana, and the same was dismissed vide order dated 12.03.2025. Aggrieved against the said order, the petitioner has filed the present petition before this Court.

5. Learned counsel for the petitioner contended that the trial Court had wrongly framed charges against the accused persons without going through the complete medical record of the petitioner and by ignoring the fact that the petitioner's ulna bone was fractured for which he was operated upon and plates were inserted and thereby offence under Section 326 IPC is

made out. The trial Court without considering the nature of rod recovered from the accused persons erroneously passed the order dated 03.01.2024. This fact was also ignored by the trial Court that the challan had also been presented under Section 326 IPC. He submitted that the orders dated 03.01.2024 and 12.03.2025 are liable to be set aside, whereby application under Section 216 Cr.P.C. for amendment of charges for adding Section 326 IPC was wrongly dismissed.

6. I have heard learned counsel for the petitioner at considerable length and have gone through the material placed on record.

7. In order to ascertain that whether the ingredients of Section 326 of IPC are complete in the present case or not, it is appropriate firstly refer to Section 326 IPC, which is reproduced as under:-

“326. Voluntarily causing grievous hurt by dangerous weapons or means— *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.”*

8. Now adverting to the facts of the present case, injury alleged to be falling under Section 326 IPC has been allegedly caused by the iron rod by the doctor concerned. It was specifically opined that the injury No.1 on the right arm, resulting in fracture of ulna bone of the accused had been

caused with a blunt weapon. It is also in consonance with the statement of complainant himself that the said injury was inflicted upon his person by accused Amna with iron rod. The iron rod is certainly not a sharp edged weapon and it does not fall in the category of weapons as detailed in Section 326 of IPC. The trial Court has rightly framed the charge while considering the report under Section 173 Cr.P.C. and the documents appended with the same. No such material had come on record which could lead to alteration of charge by way of addition of offence under Section 326 IPC as alleged and trial Court has rightly dismissed the application under Section 216 Cr.P.C. No irregularity or illegality can be said to have been committed by Courts below while passing the impugned orders which calls for any interference. The present petition without being any merits stands dismissed.

9. However, the observations made hereinabove shall not be construed as an expression of opinion on merits of the case.

(SUKHVINDER KAUR)
JUDGE

31.07.2025.

Komal

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