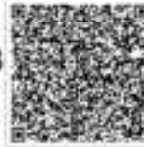


2026:PHHC:041133



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

SR. NO.106

**CRR-559-2022 (O&M)
DATE OF DECISION:17.03.2026**

RAJWINDER SINGH AND OTHERS

**...PETITIONER(S)
VERSUS**

STATE OF PUNJAB AND ANOTHER

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present: Mr. Deepak Aggarwal, Advocate
for the petitioners.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Judgepreet S. Warring, Advocate
for respondent No.2.

N.S. SHEKHAWAT, J.

1. The petitioners have filed the present criminal revision petition against the order dated 01.02.2022 passed by the Additional Sessions Judge, Bathinda, whereby the charges under Sections 307, 324, 323 and 506 IPC were ordered to be framed against the petitioners.

2. Learned counsel for the petitioners submits that in the present case at the first instance, the FIR was ordered to be registered under Sections 452/324/323/148/149/506 IPC. In fact, the incident pertains to 28.09.2020

and Harbans Singh, the injured, was discharged from the hospital on

07.0.2020 and after 28 days of the discharge of the registration of the FIR, the offence under Sections 307 and 326 have been added in the present case and the FIR has been reproduced below:-

“Statement of Jaswnat Singh son of Surjeet Singh, resident of Gehri Devi Nagar, aged about 50 years, mobile No. 8437395349 stated that I am resident of above said address and at doing the work of agriculturist. Yesterday, on 28.09.2020, time at about 8.30 p.m, I had heated arguments with Gurpreet Singh alias Jeoana son of Gurdeep Singh, resident of Gehri Devi Nagar and thereafter time about 9.00 p.m, I was present in my house when the five persons Leela Singh son of Nidhan Singh, Rajwinder Singh son of Leela Singh, Birbal Singh son of Leela Singh, Kulwant Singh son of Gurdeep Singh and Gurpreet Singh son of Gurdeep Singh all residents of Gehri Devi Nagar came and stood in front of the main gate of our house and then Leela Singh raised Lalkara saying that Kake come out you are to be taught a lesson today but when I did not respond then they all five entered my house with their respective weapons and when I tried to stop them then Kajwinder Singh gave a blow with Gandasa on me and I raised my left hand for saving me and thereafter, Leela Singh gave me a blow with soti on my right elbow, I then raised an alarm killed-killed then my brother Harbans Singh came forward to rescue me and then Birbal gave a blow with soti on the face of my brother and Kulwant gave a blow with soti on the left side

of waist of my brother and then Gurpreet gave a blow with soti on the back of my brother. Rajwinder gave a blow with Gandasa on the waist and shoulder of my brother and in the meantime on our raising alarm, four others unidentified persons entered our house and they also started giving injuries to my brother and after some time my brother fell down and then they all gave injuries to my brother. On our raising alarm, people gathered there and then the accused ran away from the spot with their respected weapons. The cause of quarrel is that sewerage work is going on in our street and therefore, we were not on talking terms. Then my family members got us admitted in Civil Hospital, Bathinda where I am under treatment and my brother Harbans Singh has been further referred. I have got my statement recorded heard the same which is correct Sd/-Jaswant Singh.”

3. Learned counsel for the petitioners further submitted that from the allegations levelled by the complainant, it is apparent that Harbans Singh, the injured, had suffered injuries only on non-vital parts of the body, which is apparent from the MLR (Annexure P-2). He had suffered the following injuries on his person:-

“1.Lacerated wound over upper lip 3 x 1 cm with corresponding laceration over inner mucosa of upper lip 2 x 1 cm. patient complains of loosening of teeth on examination all teeth intact. adv specialist opinion;

2.Reddish contusion 5 x 1 cm over left flank area. adv specialist opinion;

3 Reddish contusion 5 x 1 cm over lower back area. adv xray and specialist opinion;

- 4 Two incised wounds measuring 10 x 0.5 cm and 5 x 0.5 cm over left scapular area, adv xray and specialist opinion;
5. Complain of pain left forearm associated with swelling of size 3x4 cm adv. Xray and specialist opinion;
6. Reddish abraded area over left lower leg associated with swelling of dia 5 cm adv xray and specialist opinion;
7. Complain of pain left foot. no external swelling or injury seen. adv xray and specialist opinion;
8. Superficial laceration over scalp 3 cm x 0.5 cm adv xray and specialist opinion; and
- 9 Complain of pain chest left side, tenderness present, patient complains of difficulty in breathing. adv xray and specialist opinion”

4. Even Jaswant Singh, another injured, had also suffered following injuries on his person, which were also on non-vital parts of the body:-

- “1. Incised wound three in number over index finger of left hand. Adv. Xray and ortho opinion;
2. Incised wound parallel to each other superficial three in number over little finger of left hand. Adv. Xray and ortho opinion;
3. Incised wound one in number very superficial over middle finger of left hand. Adv. Xray and ortho opinion;
4. Reddish abrasion over right elbow joint. Adv. Xray and ortho opinion; and
5. Incised wound one in number over ring finger of left hand. Adv. Xray and ortho opinion.”

5. Learned counsel submitted that the police had moved an application for seeking medical opinion with regard to the nature of injuries and as per the opinion (Annexure P-4), the doctor had given the following

opinion with regard to the injuries suffered by Harbans Singh”-

“Injury No.9, 4 are grievous in nature and are collectively dangerous to life. Rest all injuries are simple in nature.”

6. Learned counsel next submitted that Harbans Singh, the injured, had also obtained CT Scan report from a private Diagnostic Centre, i.e. Dr. Waleti Ram Memorial Diagnostic on the same day and as per the report, an opinion was given that the injuries No.9 and 4 were dangerous to life. Still further, the injured Harbans Singh had obtained medical report (Annexure P-6) from Cosmo Super Speciality Hospital, Bathinda, which is also a private hospital and the injury was declared dangerous to life. Learned counsel further submitted that the opinion given by Dr. Harshit Goel, CMO, Medical Officer, Civil Hospital to the effect that injuries No.9 and 4 were grievous in nature and are collectively dangerous to life, was procured by the injured in collusion with the doctors and no offence under Section 307 IPC was made out in the present case.

7. On the other hand, learned State counsel has vehemently argued that the offence under Section 307 IPC was clearly made out in the peculiar facts and circumstances of the present case and the revision petition is liable to be dismissed by this Court.

8. I have heard the learned counsel for the parties and perused the case file carefully.

9. Hon’ble the Supreme Court in **Surinder Singh Vs State (UT of Chandigarh), 2021 (20) SCC 24** had discussed the ingredients of the offence under Section 307 and held as follows:-

“18. Before we advert to the factual matrix or gauge the trustworthiness of the witnesses, it will be beneficial to brace ourselves of the case-law qua the essential conditions, requisite

for bringing home a conviction under Section 307 IPC. In State of Madhya Pradesh v. Saleem @ Chamaru & Anr., (2005) 5 SCC 554, this Court, while re-appreciating the true import of Section 307 IPC held as follows:

"12. To justify a conviction under this section, it is not essential that bodily injury capable of causing death should have been inflicted. Although the nature of injury actually caused may often give considerable assistance in coming to a finding as to the intention of the accused, such intention may also be deduced from other circumstances, and may even, in some cases, be ascertained without any reference at all to actual wounds. The section makes a distinction between an act of the accused and its result:, if any. Such an act may not be attended by any result so far as the person assaulted is concerned., but still there may be cases in which the culprit would be liable under this section. It is not necessary that the injury actually caused to the victim of the assault should be sufficient under ordinary circumstances to cause the death of the person assaulted.. What the court has to see is whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the section. An attempt in order to be criminal need not be the penultimate act. It is sufficient in law, if there is present an intent coupled with some overt act in execution thereof.

3. It is sufficient to justify a conviction under Section 307 if there is present an intent coupled with some overt act in execution thereof. It is not essential that bodily injury capable of causing death should have been inflicted. The section makes a distinction between the act of the accused and its result, if any. The court has to see whether the act,

irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the section. Therefore, an accused charged under Section 307 IPC cannot be acquitted merely because the injuries inflicted on the victim were in the nature of a simple hurt." (Emphasis Applied)

19. *These very ingredients have been accentuated in some of the later decisions, including in **State of M.P. v. Kashiram & Ors., (2009) 4 SCC 26, Jage Ram & Ors. v. State of Haryana, (2015) 11 SCC 366 and State of M.P. v. Kanha @ Om Prakash, (2019) 3 SCC 605.***"

10. Now I would proceed to examine the facts of the present case in the light of the above-said principles laid down by Hon'ble the Supreme Court and find that a *prima facie* case under Section 307 IPC was made out against the present petitioners. In fact, at this stage of framing of charges, a detailed examination is not permissible and the court is required only to form a *prima facie* opinion with regard to commission of offence.

11. In the present case, Dr. Harshit Goel, CMO, Medical Officer, Civil Hospital had categorically opined that injuries No.9 and 4 suffered by Harbans Singh, the injured, were grievous in nature and were collectively dangerous to life. Such opinion was formed by the doctor after examining the complete medical record. Still further, from the MLRs of both the injured, it is apparent that both the injured had suffered multiple serious injuries on their persons and the prosecution as well as defence led their respective evidence with regard to nature of injuries. However, at this stage, there is nothing on record to suggest that the charge under Section 307 IPC is not made out against the petitioners. In fact, the basic ingredients of the

offence 307 IPC were clearly made out in the present and there is no patent illegality in the order passed by the trial Court.

12. In view of the above, there is no merit in the present petition and accordingly, the same is hereby dismissed. Pending application(s), if any, shall also stand disposed off.

17.03.2026
mks

(N.S.SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO