

2026:PHHC:064122



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

120

CRR-493 of 2021

Date of Decision: 22.04.2026

Rohit @ Rohit Tomar

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

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

Present : Mr. Keshav Pratap Singh, Advocate and
Mr. Bhaskar Sorout, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition against the impugned order dated 15.03.2021, whereby, the petitioner has been charge sheeted and ordered to face trial under Sections 323, 324, 307, 506 and 34 IPC and Section 25 of the Arms Act passed by the Court of Additional District and Sessions Judge, Palwal.

2. Learned counsel for the petitioner has vehemently argued that the FIR (Annexure P-1) in the present case was ordered to be registered against the petitioner on the basis of the statement made by Yash Tiwari and the same has been reproduced below:-

“Statement of Yash Tiwari son of Chander Shekhar Tiwari, resident of House No.233/A, Krishna Colony, Palwal, aged about 19 years.

Stated that I am resident of abovesaid address. On 24.07.2019 at about 07.15 a.m., I along with my friend

Narender son of Jal Singh, resident of Gandhi Ashram, Palwal were going for Gym at Power House Gym, Kalyan Clave, where we met my another friend namely Parshant son of Mahabir Bhati, resident of Arya Nagar, Palwal. We are going for roaming near Hari Krishan Dhaba as there was huge crowd in the Gym. In the meanwhile Rohit son of unknown, resident of Housing Board Colony, Palwal came there. Rohit owes Rs.3000/- from me, when I demanded my money from Rohit. He got angry and attacked me with knife, with an intention to kill me. I received four injuries. I was rescued by my friends Narender and Parshant. Rohit also gave threat to kill me, if I reported the matter to the police. I was taken to Asian Hospital by my friend Narender and Parshant. My family members came there and I got admitted in Asian Hospital, Faridabad. The accused may kindly be punished after registration of case. Statement heard and same is correct. Sd/- Yash Tiwari. M.No.8685806597 Attested Hoshiair Singh ASI, Police Post, Bhawan Kund, Palwal’.

3. After the occurrence, the complainant/injured was admitted to Government Hospital at Faridabad and as per the MLR, the following injuries were found on his person:-

Operative Findings : *10 x 2 cm deep lacerated wound over upper part of left scapula with active bleeding, 5 x 3 cm deep lacerated wound over left shoulder with muscle injury and active bleeding. 5 x 3 cm deep lacerated wound over left upper arm with transection of muscle and active bleeding. 5 x 1 cm CLW over left lower abdomen, 4 x 3 cm deep stab injury in right side of perineum below base of scrotum with deep vascular injury and cut of perineal muscle. Multiple CLLW (1 x 1cm) over other part of body”.*

4. Learned counsel further contends that on 19.08.2019, the Investigating Officer moved an application to the Medical Officer, Asian Hospital, Faridabad, and sought his opinion with regard to the nature of injuries, and the following opinion was given with regard to all the injuries:-

*"1. Injuries were sharp cut and deep injury
2. Sharp injury, clean cut and muscle cut and actively bleeding.
3. One of the wound in perineal region was actively bleeding profusely, if not treated at time, can lead to severe blood loss and dangerous to life."*

5. Learned counsel for the petitioner contends that even a board of doctors of Government Hospital, Palwal, was also constituted, and after examining the medico-legal report and discharge summary and physical examination of the patient, the following opinion was given by the board of doctors:-

"Opinion of Board of Doctors

After going through MLR, discharge summary of patient and physical examination of patient Yash Tiwari s/o Shekhar Tiwari. The board is of the opinion that injuries sustained by patient were simple in nature and not dangerous to life. Kind of weapon already mentioned in MLR"

6. Learned counsel further submits that from the medical record, it was apparent that all the injuries were simple in nature and were not declared to be dangerous to life. Consequently, the petitioner was wrongly charge-sheeted for commission of the offence under Section 307 IPC and the impugned order is liable to be set aside by this Court. Learned counsel further submits that even the petitioner had no

intention to cause the death of the injured in the present case and the charge under Section 307 IPC is liable to be set aside by this Court.

7. On the other hand, learned State counsel has vehemently opposed the submissions made by the petitioner on the ground that in the present case, the petitioner had openly declared that he would cause the death of the complainant and had caused injuries with the knife with an intention to kill him. Even the pattern of injuries would clearly show that the petitioner had tried to hit the vital parts of the body of complainant and wanted to cause death of the complainant.

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

9. While dealing with the ingredients of the offence under section 307 IPC, the Hon'ble Supreme Court has held in the matter of *State of Madhya Pradesh Vs. Saleem @ Chamaru and another*, 2005 AIR Supreme Court 3996 as under:-

“11. 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 (intended ?) 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.

12. 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 Indian Penal Code cannot be acquitted merely because the injuries inflicted on the victim were in the nature of a simple hurt.

*13. This position was highlighted in **State of Maharashtra v. Balram Bama Patil and others**, 1983(2) SCC 28; **Girija Shanker v. State of Uttar Pradesh**, 2004(1) RCR (Criminal) 839 : 2004(3) SCC 793 and **R. Parkash v. State of Karnataka**, JT 2004(2) SC 348.*

*14. In **Sarju Prasad v. State of Bihar**, AIR 1965 Supreme Court 843 it was observed in para 6 that mere fact that the injury actually inflicted by the accused did not cut any vital organ of the victim, is not by itself sufficient to take the act out of the purview of Section 307.*

15. Whether there was intention to kill or knowledge that death will be caused is a question of fact and would depend on the facts of a given case. The circumstances that the injury inflicted by the accused was simple or minor will not by itself rule out application of Section 307 Indian Penal

Code. The determinative question is intention or knowledge, as the case may be, and not nature of the injury. The basic differences between sections 333 and 325 Indian Penal Code are that Section 325 gets attracted where grievous hurt is caused whereas Section 333 gets attracted if such hurt is caused to a public servant”.

10. In the present case also, from the allegations levelled by the complainant in the FIR (Annexure P-1), it is apparent that the complainant had categorically stated that the petitioner got angry and attacked on him with a knife with an intention to kill him. Even from the manner in which the injuries were caused, as well as the seats of injuries, it was apparent that the petitioner had tried to cause injuries on the vital organs of the complainant. Even the multiplicity of the wounds also indicates that even though the injuries may not be grievous or dangerous to life, but the injuries were caused with an intention to cause the death of the complainant in the present case. Even, the case is at the stage of framing of charge and at this stage, the trial Court had only formed a *prima facie* opinion with regard to the offences which may have been committed by the accused.

11. Thus, in view of the above discussion, finding no merits, the present petition is ordered to be dismissed.

12. All pending applications, if any, are disposed off, accordingly.

22.04.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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