

2026:PHHC:070972



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

133

CRM-M-25265-2026(O&M)
Date of decision : 08.05.2026

Rajinder Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Deepinder Singh Virk, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of order dated 03.11.2025 passed by the Court of learned Additional Sessions Judge, Patiala in case arising out of FIR No.112 dated 22.12.2023, registered under Sections 341, 323, 506, 148 and 149 IPC (offences under Sections 307 and 325 IPC were added) at Police Station Ghagga, District Patiala, whereby the application moved by the petitioner for constitution of a fresh Board of doctors for obtaining proper opinion regarding the injuries allegedly suffered by the complainant, had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the petitioner is facing trial in the aforementioned FIR, which was got registered by complainant Prakash Singh with the allegations that on 21.12.2023, when the complainant was going towards his fields on a motorcycle, the petitioner along with co-accused allegedly intercepted him on

2026:PHHC:070972



the way. They were armed with rods/*dangs* and after stopping the complainant, they started assaulting him indiscriminately. It was further alleged that multiple blows were inflicted on the complainant, including head, wrist, ankle and knee, due to which he sustained several injuries and fell down from the motorcycle. The petitioner and co-accused allegedly threatened the complainant and fled away from the spot thereafter. Subsequently, on the basis of medical opinion regarding the nature of injuries, offences under Sections 307 and 325 IPC were also added.

3. As revealed from the record, during trial, the petitioner filed an application before the learned trial Court seeking issuance of direction to CMO, Patiala for constituting a board of doctors for getting proper opinion about the injuries sustained by the complainant. The learned trial Court, after hearing arguments of both the sides, dismissed the said application, vide impugned order dated 03.11.2025, which reads as follows:

“Arguments on application for directing the CMO Patiala to constitute the Board of Doctors for getting the proper opinion of injuries allegedly sustained by Parkash Singh complainant heard. Record perused. As per the contents of the application, the complainant by using his political influence and in connivance with the police officials, got the offences under Section 307 and 325 of IPC added later on, whereas, there is no injury on the person of the complainant to be covered within the definition of Section 307 and 325 of IPC. The complainant and concerned doctor were hand in glove with each other and the doctor at the instance of the complainant, political pressure, gave a coloured version in the above noted FIR and created a false

2026:PHHC:070972



and fabricated medical record to enhance the gravity of the offences and the MLR in question and other medical record was prepared by the concerned doctor as per the suitability of the complainant. As per the opinion of the doctor, “the injuries were recommended as dangerous to life”, but there was no such injury on the vital part of the body of the complainant Parkash Singh, nor there was any medical history showing any injury to be dangerous to life. So, finally a prayer for allowing the present application was made.

Reply to the said application was filed by learned APP for the State, thereby denying all the averments of the application and confirming the medical record being true and correct. Finally, a prayer for dismissal of the present application was made.

I have heard the learned counsel for the applicant as well as learned APP for the State and have also gone through the record carefully and minutely.

Now, admittedly the initial FIR was lodged under section 341,323,506,148 and 149 of IPC. However, after taking opinion from the doctor, offence under Section 307 and 325 of IPC was added lateron. A careful perusal of the opinion given by doctor Naresh Kumar on 03.02.2024 transpires that he gave the opinion regarding the injuries on the person of complainant collectively being dangerous to life on the basis of various injuries on bones involving long bone also. On the basis of the said opinion, offence under Section 325 and 307 of IPC were added. Now, so far as the offence under section 307 of IPC is concerned, then, even if there is no injury on the person of the complainant, but he alleges intention to kill on the part of the accused party, even then, offence under Section 307 of IPC can be added, but the proof of the same depends upon proving the specific intention on

2026:PHHC:070972



the part of the accused party. Now, in the case in hand, even though as per version of the applicant, the doctor has given false report, but, the complainant has specifically stated that the injuries to him were caused with an intention to kill him. So, section 307 of IPC could have been imposed even merely on the basis of the statement of complainant without the opinion of the doctor declaring injuries on the person of the complainant as dangerous to life, but the said intention is a matter of proof. So, in the given situation, when the Section 307 of IPC can be imposed even on the basis of alleged specific intention to kill and without any injury and further Section 325 of IPC has been imposed on the basis of certain fractures with blunt weapon on the body of the complainant as per medical record, so, this court, does not find any reason to constitute fresh Board of Doctors for further medical examination of the complainant for any purpose. Moreover, the burden of proving such offence is on the prosecution and the defence will have sufficient opportunity to falsify the version of the prosecution by cross examination of the witnesses of the prosecution. Hence, this court does not find any merits in the present application and the same stands dismissed.”

4. Learned counsel for the petitioner has argued that he has been falsely implicated in the present FIR and that the offences under Sections 307 and 325 IPC were added subsequently only on the basis of a vague and manipulated medical opinion procured nearly two months after registration of the FIR. It is argued that, as per the allegations in the FIR and the medical record itself, only one injury has been attributed to the petitioner, i.e. injuries on both ankles caused by a danda blow, which at best would attract the offence under Section 325 IPC. It is further argued that the only injury on the vital part i.e. the

2026:PHHC:070972



head injury, has been attributed to a co-accused and even the same was declared simple in nature. None of the injuries attributed to the petitioner were on any vital part of the body and, therefore, the subsequent opinion declaring the injuries as “dangerous to life” is wholly unjustified and contrary to the medical record.

5. It is further argued by learned counsel for the petitioner that the medical opinion dated 03.02.2024 was obtained in connivance with the complainant and the investigating agency only to exaggerate the gravity of the offence and justify addition of Section 307 IPC. The petitioner had filed the aforementioned application before the learned trial Court for issuing appropriate direction for constitution of a board of doctors so that the injuries sustained by the complainant could be assessed properly. However, the learned trial Court did not take all the above mentioned facts into consideration and dismissed the same. While alleging that a fresh medical board was necessary to obtain an independent and fair assessment of the injuries and to rule out fabrication or manipulation in the medical evidence, it is urged that the petition deserves to be allowed and the impugned order is liable to be set aside. To fortify his arguments, learned counsel for the petitioner has relied upon ***Ajeet Singh v. State of Rajasthan and others, 2026 NCRJ-JD 13421.***

6. This Court has heard the submissions made by learned counsel for the petitioner and has also gone through the material placed on record carefully.

7. The principal contention raised by the petitioner is that the subsequent medical opinion dated 03.02.2024, whereby the injuries were opined to be “dangerous to life”, is manipulated and was procured in connivance with

2026:PHHC:070972



the complainant and the investigating agency with a view to attract the offences under Sections 307 and 325 IPC. At the outset, it deserves to be noticed that the present proceedings are at the stage of trial and the prosecution evidence is yet to be tested on the anvil of cross-examination. The medical opinion forming part of the prosecution case is itself a matter of evidence and its correctness, credibility and evidentiary value are all issues which can adequately be examined by the learned trial Court during trial. Merely because the petitioner disputes the medical opinion or alleges exaggeration in the nature of injuries, the same by itself would not justify constitution of a fresh medical board at the instance of the accused. A perusal of the impugned order reflects that the learned Additional Sessions Judge has duly considered the contentions raised by the petitioner and has recorded cogent reasons while declining the prayer. The learned trial Court has rightly observed that the burden to establish the ingredients of the offences alleged in the FIR lies upon the prosecution and the defence shall have sufficient opportunity to discredit the medical evidence by way of cross-examination of the doctor concerned as well as other prosecution witnesses. This Court does not find any perversity or patent illegality in the said reasoning. It is also not in dispute that the complainant allegedly suffered multiple injuries and that fractures were detected on parts of the body involving long bones. The medical opinion dated 03.02.2024 specifically records that the injuries were collectively opined to be dangerous to life. Whether such opinion is ultimately sustainable or not is again a matter to be appreciated during trial on the basis of evidence led by the parties. At this stage, the petitioner cannot seek a roving inquiry by way of constitution of another medical board merely because

2026:PHHC:070972



he disputes the opinion already available on record.

8. The contention raised by learned counsel for the petitioner that no injury attributed to him was on a vital part of the body and, therefore, Section 307 IPC could not have been invoked, also does not persuade this Court to interfere. It is well settled that for attracting the offence under Section 307 IPC, the nature of injury is not the sole determinative factor and the intention or knowledge accompanying the act is equally relevant. The existence or otherwise of such intention is essentially a matter of evidence to be adjudicated upon during trial.

9. The reliance placed by learned counsel for the petitioner upon the judgment rendered in *Ajeet Singh's* case (supra) is misconceived and distinguishable on facts. In the said case, the Court had exercised jurisdiction in peculiar circumstances where serious allegations of fabrication of medico-legal reports were coupled with the fact that the matter was still at a nascent stage and the Court found that an immediate re-examination was necessary to preserve medical evidence and facilitate proper investigation. However, in the present case, the challan already stands presented, the matter is at the stage of trial and the medical opinion forming part of the prosecution case is already available on record.

10. Keeping in view the discussion made above, this Court is of the considered opinion that the impugned order neither suffers from any jurisdictional error nor from any material irregularity warranting interference by this Court in exercise of its inherent jurisdiction. Accordingly, finding no merit in the present petition, the same is hereby dismissed.

2026:PHHC:070972



11. However, it is made clear that the observations made herein above are only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

08.05.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>