



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

119

CRM-M-33054-2022 (O&M)

Date of decision: 19.05.2026

Navrattan

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

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

Present :- Mr. Sushil Sheoran, Advocate for the petitioner(s).

Ms. Chhavi Sharma, AAG Haryana.

Mr. Nikhil Ghai, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

CRM-15013-2026

Application is allowed as prayed for subject to all just exceptions. Photocopy of the Medical Board's opinion dated 28.01.2023 (Annexure P-10) is taken on record.

Registry is directed to tag the same at an appropriate place with page marking.

Main case:

1. The instant petition has been filed for quashing of order dated 04.07.2022 passed by the Additional Sessions Judge, Charkhi Dadri affirming the order dated 12.11.2021 passed by the Judicial Magistrate 1st Class, Charkhi Dadri, whereby the application dated 21.10.2021 moved by the petitioner under Section 216 Cr.P.C. for framing of additional charge under Section 307 of the Indian Penal Code, 1860 against respondent No.2

(juvenile) in case bearing FIR No.128 dated 30.05.2021 registered under Sections 147, 148, 149, 323, 452, 506 of the Indian Penal Code, 1860 at Police Station Dadri Sadar, District Charkhi Dadri, was declined.

2. Learned counsel appearing on behalf of the petitioner contends that the incident in question occurred on 29.05.2021 when the accused persons dragged the petitioner in the street and inflicted injuries on his head and other body parts with iron rods. Later, other co-accused also reached at the spot and caused a knife blow to Nikita (daughter of the petitioner) as well. It is contended that the accused-respondent No.2/Axxxx, child in conflict with law, son of Pawan, being a juvenile, was facing trial before the Principal Magistrate, Juvenile Justice Board, Charkhi Dadri vide case bearing No. JJB/21/2021. It is contended that the petitioner received 10 injuries, including two fractures on the head, i.e. frontal left bone and right parietal bone and got more than 30 stitches. With respect to the injuries sustained by the daughter of the petitioner, the NCCT report showed that she also suffered multiple injuries. He contends that the Court of the Principal Magistrate, Juvenile Justice Board, Charkhi Dadri, framed charges against respondent No.2-accused on 08.10.2021 for the commission of offences only under Sections 323/325/452/506/34 of the Indian Penal Code, 1860. It is submitted that when the petitioner came to know that the Court had not framed a charge under Section 307 of the Indian Penal Code, 1860, he moved an application under Section 216 Cr.P.C. for framing of an additional charge under Section 307 of the Indian Penal Code, 1860. Vide order dated 12.11.2021, the Court gave a finding as per the opinion of the Doctor, that though injuries No.1 to 5 of the petitioner were grievous in nature, none of

them was dangerous to life. It is alleged that neither the relevant record nor the treatment summary of the petitioner was taken into consideration by the Court, and there was no reference even to the NCCT report dated 30.05.2021, which reflected two fractures, i.e. on the frontal bone left side extending into the frontal sinus and right parietal bone. The petitioner accordingly preferred a revision petition before the Additional Sessions Judge, Charkhi Dadri, i.e., CRR/52/2021. It is contended that the Additional Sessions Judge directed the Civil Surgeon, Government Hospital, Charkhi Dadri, to constitute a Medical Board and examine the medical record of the petitioner and thereafter to give a fresh report regarding injuries suffered by him separately as well as cumulatively vide order dated 08.04.2022. He submits that, notwithstanding the Court having asked for the opinion, the revision petition was dismissed on 04.07.2022. He contends that the Medical Board constituted pursuant to the order dated 08.04.2022 has specifically opined as under:-

“Based on general physical, clinical, radiological and Neurosurgical findings we are of the opinion that the injury No.1 is dangerous to life, injury No.2, 3, 4 are grievous in nature caused by blunt weapon and the probable duration elapsed between injuries and examination is more than six months. About injury No. 5, 6, 7, 8, 9 & 10 cannot be said what was the nature.”

3. It is contended by the counsel for the petitioner that the Revisional Court did not await the report of the Medical Board that was constituted under its interim order and passed the final order. He contends

that the aforesaid opinion by the Medical Board specifically shows that injury No.1 was dangerous to life and injuries No. 2, 3 and 4 were grievous in nature, having been caused by a blunt weapon. He thus submits that the ingredients of Section 307 of the Indian Penal Code, 1860, are clearly made out against respondent No.2-accused.

4. Learned counsel appearing on behalf of respondent No.2-accused, however, contends that all these aspects have been duly appreciated by the trial Court as well as the Sessions Court and that two different incidents took place in the present case; it was after noticing the cumulative effect of both that the Courts have passed the orders.

5. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the instant petition, which are not disputed. The operative part of the order dated 08.04.2022 passed in CRR/52/2021 titled as 'Navrattan Versus Child in Conflict with Law' by the Additional Sessions Judge, Charkhi Dadri reads thus:-

“However, when medical opinion regarding nature of injuries was sought from Doctor Akash by the investigating agency, he simply gave his opinion regarding nature of injury separately in a tabular form but he did not state anything about cumulative effect of injuries. In fact, even in case where the injuries separately may not be dangerous to life of the victim/patient, still their cumulative effect, may be termed as dangerous to his life in certain circumstances. In the present case, there are a number of injuries on vital portions of the

victim, therefore, it became even more important for the Doctor to give a clear opinion about the cumulative effect of the injuries on the person of the victim. As such, the opinion given by Doctor Akash, Medical Officer, Government Hospital, Charkhi Dadri is incomplete and without constituting a board and seeking a clear and complete medical opinion qua the nature of injuries, the question as to whether the respondent is liable to be charge sheeted for the commission under Section 307 IPC or not, cannot be properly adjudicated. Therefore, interest of justice demand that a fresh and proper medical opinion regarding the nature of injuries be sought. Accordingly, learned Civil Surgeon/Chief Medical Officer, Government Hospital, Charkhi Dadri is hereby directed to constitute a medical board consisting of at least three Doctors having expertise in the requisite field, who shall examine the medical record of the victim carefully and would give a fresh medical opinion as regards to whether the injuries on the person of victim Navrattan (separately as well as cumulatively) were dangerous to his life or not.”

6. It is evident that the Additional Sessions Judge had specifically directed the Civil Surgeon, Government Hospital, Charkhi Dadri to constitute a Medical Board consisting of atleast three Doctors having expertise in the requisite field, who were to examine the medical record of the petitioner carefully and to give a fresh medical opinion as regards to whether the injuries on his person (separately as well as cumulatively) were

dangerous to his life or not. Further, it is also not in dispute that the Medical Board, comprising three doctors, was constituted and its opinion has already been extracted above.

7. In view of the above, I am prima facie of the opinion that once the Court had already directed the constitution of a Medical Board and had asked for a report to be submitted with respect to the injuries (separately as well as cumulatively) caused to the person, it would have been desirable had the Court awaited the receipt of the said opinion. Further, the opinion received later reflects that injury No.1 has been declared dangerous to life and that the said aspect was not taken into consideration by the Additional Sessions Judge, Charkhi Dadri, while deciding CRR/52/2021. The said report would be of vital significance, and the Revisional Court did not have the advantage of perusing the report to form a considered opinion.

8. Under the said circumstances, the present petition is ***allowed***, the order dated 04.07.2022 passed in CRR/52/2021 titled as 'Navrattan Vs. CCL Axxxx' is ***set aside***, and the matter is remanded to the Revisional Court to pass a fresh order after taking into consideration all the relevant facts and documents while granting an opportunity of hearing to the respective parties.

9. The parties shall appear before the Revisional Court on 21.07.2026.

(VINOD S. BHARDWAJ)
JUDGE

19.05.2026

Mangal Singh

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