



CRR-2213-2025 (O&M)

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

203-U

CRR-2213-2025 (O&M)
Date of Decision : 10.03.2026

GURMEET SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. H.S. Batth, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. Challenge in the present petition is to order dated 30.04.2025 passed by the learned Additional Sessions Judge, Patiala, vide which it was held in the held factual scenario of the case in hand, *prima facie* offence under Sections 323, 324, 341, 506 IPC is made out. These offences being magisterial triable, the matter was thus remanded back to the concerned Judicial Magistrate First Class.

2. Relevant facts as emerging from the documents on record be noticed hereinbelow:-

Petitioner/complainant had lodged a complaint against respondents No.2, 3, 4 & 5, alleging therein that he (C) had inimical relations with respondent No.2 - Kuldeep Singh, who during his tenure as Sarpanch had mismanaged the funds of the Village Panchayat. Respondents No. 3, 4 & 5 are close associates of respondent No.2 and are his partymen. On 05.07.2011, as per complainant, he was

going to Patiala on bus. When the bus halted near Thirki Wala Chowk, he started alighting from roof top and noticed that respondents No. 3, 4 & 5, who were armed with knives and swords had gathered near the bus. On lookers and passengers, who observed them, took away the knives and swords with which they (accused) were armed. Despite that, he was dragged down from the roof of the bus and was given kick blows on his head, chest, stomach etc. Complainant further alleged that accused No.1 Kuldeep Singh instigated his party-men i.e. the other accused, to mercilessly beat him (C) and break his legs. The other persons, who had gathered at the site including the bus conductor and other passengers of the bus rushed to his rescue and requested assailants, not to take law in their hands. On seeing the crowd swelling up, the assailants ran away, but not before issuing a threat to kill him on any suitable opportunity. Arrangements were made and he was rushed to Rajindra Hospital, Patiala, where first-aid was provided. The treating doctor prepared a Medico Legal Report mentioning therein the number and nature of injuries suffered by him.

During preliminary evidence, complainant examined following witnesses:-

Name of witnesses	
CW-1	Malkait Singh
CW-2	Ranjit Singh
CW-3	Jagtar Singh
CW-4	Surjit Singh
CW-5	Ranjit Singh
CW-6	Dr. Naveen Mittal
CW-7	Complainant himself

If further emerges from documents on record that initially complaint was dismissed by the then learned Magistrate, vide order dated 02.06.2015.

Subsequently, the same was remanded back to the learned trial Court by the then learned Additional Sessions Judge, Patiala, vide order dated 14.01.2016 with a direction to pass a fresh order. Consequently, in terms of order dated 03.09.2019, accused were summoned u/s 307, 323, 324, 341, 506 IPC and were extended the concession of bail. The said order was assailed by the accused by way of revision petition bearing CNR No.PBPT01-008488-2022.

In terms of impugned order, the learned Additional Sessions Judge was of the opinion that in the factual scenario of the case in hand, no *prima facie* case u/s 307 IPC are made out. The matter was remanded back to the learned trial are Court with the observation that only offences u/s 323, 324, 341, 506 IPC are made out. These being magisterial triable, the matter was remanded back with direction to both the parties to appear before the concerned trial Court.

It is the aforesaid order of learned Additional Sessions Judge, Patiala that has been assailed by the petitioner/complainant in the present revision petition. Many fold submissions have been raised by learned counsel for the petitioner:-

3. Firstly, it has been contended that facts/connecting circumstances brought on record when carefully perused, leave no doubt that respondents No.2, 3, 4 & 5, in accordance with their prior meeting of minds, had unleashed a brutal attack on complainant; their intention being to kill him. Learned counsel has also referred to the statement made on oath, by complainant (copy of which has been appended along with CRM-48099-2025 as Annexure P-1) wherein apart from mentioning the sequence of events that had unfolded at the site, on the day in question, complainant alleged that assailants/accused had dragged him down from the roof of the bus and immediately thereafter had started giving kick blows to

him. Even though their weapons had been snatched by the other passengers, they continued with their assault. Rather, quite unmindful of legal consequences respondent No. 2 instigated his partymen i.e. respondents No.3, 4 & 5, to continue hitting him (C) and to kill him.

3. Learned counsel next contends that the said statement of complainant coupled with Medico Legal Report (appended as Annexure P-2) and the other connecting circumstances brought on record, as in the fact that accused arrived fully armed at the site at a public place and unleashed an attack, is clearly indicative of their '*intent*' to eliminate complainant. The learned Additional Sessions Judge, thus, erred in arriving at a conclusion that no *prima facie* offence u/s 307 IPC is made out.

Primarily with these submissions learned counsel requests for setting aside impugned order dated 30.04.2025 passed by the learned Additional Sessions Judge, Patiala and prays to direct the Court to frame charges against respondents No.2, 3 4 & 5 u/s 307, 323, 324, 341, 506 IPC.

4. I have heard learned counsel for the petitioner and also perused the document on available on record.

5. Law is no longer *res integra* that at the time of framing of charge only a *prima facie* case has to be seen. It is not to be adjudicated as to whether the evidence adduced on the case file is sufficient to convict the accused under the charged offences. Insofar as, the present case is concerned, facts leading to the filing of the complainant have already been noticed hereinabove. It is version of the complainant that while he was alighting from the bus, he noticed that respondent No.2, 3, 4 & 5, all of whom were armed with knives, swords etc. had arrived at the site. Passengers and other onlookers, who were present there, on

noticing arms in possession of the accused, snatched the weapons from them. It is not the stand of complainant that any efforts were made by assailants to again take back their weapons from the onlookers. Rather, complainant alleges that thereafter he was dragged down from the bus and was given repeated kick blows. It is also not his stand that even when the crowd started swelling up, assailants continued with their assault. Simply because complainant mentioned in his statement recorded on oath in the Court that the accused party (respondents No.2, 3, 4 & 5) had arrived at the site with an intention to kill him is not sufficient to arrive at a conclusion that the offence u/s 307 IPC is made out. At this stage, it would also be appropriate to refer to, Medico Legal Report of the complainant, wherein while mentioning the number and nature of injuries, the treating doctor observed as follows:-

- “(i) Diffuse Headache present.*
- (ii) Complain of pain and tenderness left shoulder joint region with complain of pain.*
- (iii) Complain of diffuse pain in chest.*
- (iv) Complain of pain in left and right thigh region.*
- (v) Reddish abrasion measuring 2x1 cm present on Right Scapular Region.”*

Most of the injuries were complaint of pain, apart from only one injury (reddish abrasion on right scapular region). Further all the injuries were opined to have been caused by blunt weapon. It is further apparent from the medico legal report appended with the petition that complainant did not suffer any fracture neither there is any opinion of doctor that any of the injuries suffered by him are '*Dangerous*' to life.

In view of the discussions made hereinabove, there is nothing to suggest that respondents No.2, 3, 4 & 5 had the '*Intention*' to kill the petitioner.

Consequently, finding no illegality in the impugned order, the same is affirmed, parties are directed to appear before the concerned Court on the date fixed.

Accordingly, the present petition stands dismissed.

All pending miscellaneous application(s), if any, also stands disposed of.

(AARADHNA SAWHNEY)
JUDGE

10.03.2026
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>