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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46274-2019

Date of Decision:- 03.03.2025

Sonu

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Manish Soni, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

Mr. Balvinder Sangwan, Advocate with
Mr. Krishna Maurya, Advocate
for respondent No. 2.

AMARJOT BHATTI, J. (Oral)

1. Petitioner Sonu filed petition under Section 482 Cr.P.C. for quashing of impugned order dated 18.09.2019 (Annexure P-8) vide which learned Additional Sessions Judge, Gurugram in criminal revision filed by respondent No. 2/accused Deepak set aside the well-reasoned order dated 08.03.2019 (Annexure P-6) passed by learned Judicial Magistrate Ist Class, Gurugram, whereby in revision the Investigating Officer has been directed to get injured/petitioner Sonu re-medically examined in FIR No. 19 dated 21.01.2019 under Section 323, 34, 354, 506 of IPC registered at Police



Station Sector 65, Gurugram with prayer to set aside impugned order passed by learned Additional Sessions Judge, Gurugram and for upholding the order passed by learned Judicial Magistrate Ist Class, Gurugram dated 08.03.2019.

2. Brief facts of the case are aforesaid FIR No. 19 dated 21.01.2019 (supra) (Annexure P-1) was registered on the statement of Sonu wife of Deepak where she alleged that on 21.01.2019 at 08:00 A.M, her father-in-law Sripal came to the house and maltreated her. He outraged her modesty and further stated that she had sent him to jail, now they will do whatsoever they want to do. Deepak also came inside who was talking to his maternal uncle *Jeete* on phone. Deepak caused injuries on her person with iron pipe as well as with a knife. On hearing her alarm, she was rescued by her brother-in-law Rajesh. She was admitted in W Partiksha Hospital, Gurugram. With these allegations, present FIR was registered. After completion of investigation, challan was presented in Court (Annexure P-5) and accused Deepak was facing trial.

3. Leaned counsel for petitioner argued that Sonu was admitted in W Partiksha Hospital, Sector 56, Gurugram for treatment. Copy of Discharge Summary is Annexure P-2. Application was moved for taking opinion regarding injuries suffered by Sonu, which is Annexure P-3. Subsequent opinion was also obtained regarding MLR of Sonu wife of Deepak regarding alleged weapon used in occurrence, which is Annexure P-4. During the course of trial, accused filed application for re-medical examination of Sonu which was declined by learned Judicial Magistrate Ist Class, Gurugram vide order dated 08.03.2019 (Annexure P-6). Deepak



accused facing trial in that case filed revision against said order. Grounds of revision is Annexure P-7 and order passed by learned Judicial Magistrate dated 08.03.2019 was set aside by accepting revision by passing impugned order dated 18.09.2019 (Annexure P-8) giving direction to Investigating Officer that re-medical examination of injured Sonu be conducted within 15 days from the passing of order.

It is argued that petitioner had received injuries from the hands of respondent No. 2/accused Deepak on 21.01.2019. She was medically examined and opinion of doctor was received during the course of investigation. Trial was under progress when accused filed application for re-medical examination of petitioner/injured Sonu which was rightly declined by learned Judicial Magistrate by passing well-reasoned order. Without any valid justification, revision was accepted for re-medical examination. It is pointed out that no purpose would have been served for re-medical examination as occurrence took place long time ago on 21.01.2019 and all medical record is already annexed with challan report. Therefore, impugned order dated 18.09.2019 (Annexure P-8) passed by learned Additional Sessions Judge, Gurugram is without justification and same is liable to be set aside.

4. On the other hand, learned counsel representing State has not disputed factual position. Even learned counsel representing respondent No. 2 conceded that since occurrence took place on 21.01.2019, now after the lapse of six years no purpose would be served by re-medical examination of petitioner.



5. I have considered the aforesaid factual position. Challan is already presented after completion of investigation. Documents annexed with challan report are to be proved by examining relevant witnesses. There is Discharge Summary of present petitioner Sonu (Annexure P-2), according to which she was admitted in W Partiksha Hospital, Sector 56, Gurugram on 21.01.2019 at 02:50 P.M. and was discharged on 23.01.2019. During the course of investigation, application was moved seeking opinion regarding nature of injuries as well as weapon used in occurrence. In the light of aforesaid factual position, learned Judicial Magistrate vide order dated 08.03.2019 rightly declined application filed by respondent No.2/accused Deepak for re-medical examination of petitioner/injured Sonu. Learned Additional Sessions Judge, Gurugram by passing impugned order dated 18.09.2019 (Annexure P-8) set aside order dated 08.03.2019 (Annexure P-6) passed by learned Judicial Magistrate Ist Class, Gurugram and directed Investigating Officer for re-medical examination of injured within 15 days during the pendency of trial. In impugned order, learned Additional Sessions Judge has failed to give any reasoning which required re-medical examination of injured Sonu-petitioner when treatment record and opinion of doctor was already there in trial Court file. Moreover, during the course of trial, accused will get full opportunity to cross-examine the doctors concerned to establish their stand regarding injuries on the person of present petitioner/injured Sonu. Therefore, I do not find any valid justification in passing the impugned order dated 18.09.2019 (Annexure P-8). Consequently, petition filed by petitioner Sonu is accordingly allowed and impugned order dated 18.09.2019 (Annexure P-8)

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passed by learned Additional Sessions Judge, Gurugram is set aside by upholding order dated 08.03.2019 (Annexure P-6) passed by learned Judicial Magistrate Ist Class, Gurugram.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

03.03.2025

lalit

(AMARJOT BHATTI)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No