



124

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

**CRR No.1311 of 2025 (O&M)
Date of decision : 19.05.2025**

Krishan

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Narender Singh Tewatia, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. The petitioner has approached this Court praying for impugning order dated 30.05.2024 passed by the learned Additional District & Sessions Judge, Palwal whereby the charges have been framed against the petitioner and co-accused persons for the offences under Section 323, 325, 307, 506, 341 and 34 of IPC.

2. Succinctly the facts of the case are that the FIR in the present case was registered on the statement of complainant, namely, Deepak Kumar. It was alleged that on 11.02.2024, there was a program at the house of Sunil, a Block Committee Member, in their village. The complainant and his father, namely, Jogendra also went to attend the same. After the program at about 04:30 P.M., when he and his father were returning back to their house, then Om Prakash, Dalveer, Krishan (petitioner), Mohit, Samatra wife of Om Prakash, Dalveer's wife and



Ajju's wife, who were armed with iron rods, sticks, bricks and stones, waylaid them. They attacked upon both of them with their weapons. Krishan (petitioner) hit on the head of the complainant with the rod in his hand and all those persons attacked his father Jogendra with sticks, iron rods and bricks. The complainant saw his father lying on the ground and he also fell on the ground due to the injuries. Taking them as dead, all the accused escaped from the scene of occurrence. They were shifted to the Hospital for treatment. The request was made to take the legal action against the accused. On registration of the FIR, the investigation commenced. The injured were medico legally examined. On completion of the investigation, the challan was presented. The learned trial Court framed the charges against the accused vide order dated 30.05.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present criminal revision petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case as no prima facie offence was made out against him, hence the impugned order dated 30.05.2024 is unsustainable in the eyes of law. He has submitted that the occurrence in question had taken place on 11.02.2024 whereas the FIR was registered on 14.02.2024, i.e. after the delay of 03 days and the opinion of Doctor regarding the injuries of the complainant, namely, Deepak Kumar, was sought on 26.02.2024. He has submitted that hereinafter the offence under Section 307 IPC was added in the FIR which in itself shows that the same was added after due deliberations. He has submitted that the ingredients of Section 307 of IPC are not attracted in view of the injuries suffered by the complainant. He has relied upon the



decision passed by Hon'ble the Division Bench of this Court in '*State of Punjab vs. Parveen Kumari and others*', 1991(3) RCR (Criminal) 422 and has submitted that in the absence of essential ingredient, i.e. the *mens rea*, the offence under Section 307 IPC is not made out but the learned trial Court failed to appreciate the same and thus has drawn a wrong conclusion in framing the charge against the petitioner.

4. Heard.

5. On hearing learned counsel for the petitioner and perusing the record, it is deciphered that the alleged occurrence in the present case has taken place on 11.02.2024, whereas the FIR was registered on 14.02.2024. The complainant, namely, Deepak Kumar was medico legally examined. As per the medical report, injury No.1 as per the opinion of the doctors, was opined to be grievous in nature and dangerous to life. As per the case of prosecution, the petitioner was armed with a rod and he gave the blow of the same on the head of the complainant. The injuries suffered were found corroborated from the MLR placed on record. As per the MLR, the injuries described by the Doctor were as follows:

1. *Lacerated wound of size 5X0.5 cm present over left temporal region. adv. CT head, surgeon opinion.*
2. *C/o right hand pain with 0.5 cm abrasion. adv. X-ray right hand ap/lat. ortho opinion.*

6. The CT scan of the brain of complainant, Deepak Kumar was conducted at the Regional Diagnostics Centre, Civil Hospital, Palwal, which is placed on record as Annexure P-4. The findings given in the same are as follows:



‘Comminuted depressed fracture is noted involving. Left parietal bone. It is associated with overlying soft tissue hematoma. The inner table of left parietal bone is displaced within the brain parenchyma resulting in few tiny intraparenchymal contusional hemorrhages associated with vasogenic edema.’

7. The petitioner also filed an application before the learned Judicial Magistrate Ist Class, Palwal praying for giving direction to SHO/Investigating Officer for getting the re-medical examination of the complainant. However the same was declined by the learned Judicial Magistrate Ist Class vide order dated 09.04.2024.

8. The precise submission made by learned counsel for the petitioner is that no offence under Section 307 IPC is made out and hence the impugned order is unsustainable in the eyes of law. However as per the settled principles of law, the case in hand pertains to the framing of charge. Needless to say that at the time of framing of the charges, the learned trial Court is not to sift the evidences but is to arrive at the decision whether any *prima facie* case as alleged is made out on the basis of the material produced before it by the Investigating Agencies. The learned trial Court had appreciated the material collected by the Investigating agencies.

9. Thus in the considered opinion of this Court, the arguments raised by learned counsel for the petitioner are found to be misconceived.

10. Hon'ble the Supreme Court in ***Bhawna Bai Vs. Ghanshyam, 2020(1) RCR (Criminal) 370*** has held as under:-

“12. Though the circumstances alleged in the charge sheet are to be established during the trial by adducing the



evidence, the allegations in the charge sheet show a prima facie case against the accused-respondent Nos.1 and 2. The circumstances alleged by the prosecution indicate that there are sufficient grounds for proceedings against the accused. At the time of framing the charges, only prima facie case is to be seen; whether case is beyond reasonable doubt, is not to be seen at this stage. At the stage of framing the charge, the court has to see if there is sufficient ground for proceeding against the accused. While evaluating the materials, strict standard of proof is not required; only prima facie case against the accused is to be seen.”

11. Hon'ble Division Bench of the Supreme Court in *Manendra Prasad Tiwari Vs. Amit Kumar Tiwari, 2022 SCC Online SC 1057*, has held as under:-

“22. The scope of interference and exercise of jurisdiction under Section 397 of CrPC has been time and again explained by this Court. Further, the scope of interference under Section 397 CrPC at a stage, when charge had been framed, is also well settled. At the stage of framing of a charge, the court is concerned not with the proof of the allegation rather it has to focus on the material and form an opinion whether there is strong suspicion that the accused has committed an offence, which if put to trial, could prove his guilt. The framing of charge is not a stage, at which stage the final test of guilt is to be applied. Thus, to hold that at the stage of framing the charge, the court should form an opinion that the accused is certainly guilty of committing an offence, is to hold something which is neither permissible nor is in consonance with the scheme of Code of Criminal Procedure.”



12. The judgment relied upon by learned counsel for the petitioner are distinguishable on the facts and circumstances of the present case.

13. Weighing the facts and circumstances of the case on the anvil of the law settled, this Court does not find any infirmity in the view taken by the learned trial Court in framing of the charge against the petitioner vide order dated 30.05.2024 and thus, the present petition being devoid of any merit, is hereby dismissed. Nothing said hereinabove shall be treated as an expression of opinion on the merits of the case. Pending application bearing CRM No.20767 of 2025 also stands dismissed.

19.05.2025

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**(RAJESH BHARDWAJ)
JUDGE**

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