

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

226

Crl. Revision No.1038 of 2015

Date of decision: 28.07.2015

Hardeep Singh @ Bittu

...Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Prashant Vashisth, Advocate for the petitioner.

Mr. S.S. Chandumajra, DAG, Punjab.

PARAMJEET SINGH, J.

Instant revision petition has been filed by the petitioner against the impugned order dated 18.11.2014 passed by learned Additional Sessions Judge, Barnala, whereby charges have been framed under Section 22 of NDPS Act against the petitioner.

I have heard learned counsel for the petitioner and perused the record.

It is settled law that the Court is not required to examine the evidence minutely at the stage of framing of charge and even a suspicion is enough. The Court is required to see whether the allegations against the accused, prima facie appear to be true.

Hon'ble Supreme Court in **Onkar Nath Mishra and others vs. State (NCT of Delhi) and another, (2008) 2 SCC 561** has held that at the stage of framing of charge, the Court is not expected to go deep into the probative value of the material on record. The Court is not required to appreciate evidence to conclude whether the materials produced are sufficient or not for convicting the accused.

Hon'ble Supreme Court in **P. Vijayan vs. State of Kerala and another, 2010(1) RCR (Crl.) 826 (SC)** has also held that at the time of framing of charge, the probative value of the material on record cannot be gone into and the material brought by the prosecution has to be accepted as true for that purpose.

Hence, in view of the aforementioned authoritative pronouncements, learned trial court is only to see prima facie case at the time of framing of charge and if the Court thinks that the accused might have committed the offence, it can frame the charge and probative value of the material on the record is not required to be considered at this stage and that the material brought on the record by the prosecution has to be accepted as true at this stage.

In view of above, I do not find any illegality or perversity in the impugned order.

Dismissed.

July 28, 2015

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**(PARAMJEET SINGH)
JUDGE**