

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.2040 of 2014 (O&M)
Date of Decision: January 09, 2015

Harpej Singh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.G.S.Sidhu, Advocate
for the petitioner.

Mr.Deepak Grewal, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Aditya Sanghi and Mr.Ashwani Bhardwaj, Advocates
for the complainant.

INDERJIT SINGH, J.

Petitioner Harpej Singh has filed this revision petition under Section 401 Cr.P.C. against State of Haryana respondent challenging the impugned order dated 24.04.2014 passed by learned Addl. Sessions Judge, Sirsa regarding framing of charges.

The brief facts of the case are that on 03.07.2013 at about 9.00 P.M., Sanjay reported that one Rakesh shot at him. One fire arm bullet hit the glass pane of the Barber shop and other one hit his thigh. Sanjay's father Kalu Ram and his uncle Sanjay Kumar shifted him to the hospital. However, during the course of investigation, on 04.09.2013 Harpej Singhj made disclosure statement that in fact he

had shot Sanjay on Sanjay's asking with the pistol belonging to Sanjay. The pistol was also recovered. On 17.10.2013, Kalu Ram was arrested. Thus, on the basis of disclosure statement, recovery of pistol and an extra judicial confession made before Ram Partap, challan was presented against Sanjay, Harpej, Kalu, Sanjay son of Moti Ram and others involved in the conspiracy.

Notice of motion was issued and learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

Learned counsel for the petitioner, at the time of arguments, argued that no offence under Section 195 IPC is made out. Rather, at the most, Calendra can be filed under Section 182 IPC.

I have heard learned counsel for the petitioner as well as learned State counsel and learned counsel for the complainant and have gone through the record.

As per the prosecution version, pistol has been recovered in this case and prima facie offence under Section 25 of the Arms Act has been made out. Similarly, Harpej Singh fired on the thigh of Sanjay, though on his asking, which means that a false and fabricated occurrence has been shown, so that persons of the reported matter can be convicted and sentenced for the sessions trial case. On the face of it, offence under Section 195 is made out as there are allegations regarding conspiring to falsely implicate. There are also allegations regarding conspiracy. So, charge under Section 120-B IPC is also made out.

At the time of framing of the charge, the Court is only to see whether prima facie case is made out or not. The Court is not to weigh the evidence for the purpose of conviction. At the time of framing of the charge, it is to be only seen whether it is a case of some evidence or no evidence. Even a strong suspicion is sufficient for framing of the charge.

Keeping in view the facts and circumstances of the present case, I do not find any merit in the present revision petition and the same is dismissed. The impugned order dated 24.04.2014 passed by the trial Court framing the charge against the present petitioners is correct, as per law and same is upheld.

January 09, 2015
Vgulati

(INDERJIT SINGH)
JUDGE