

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

218

CRR-2093 of 2015

Decided on : 19.12.2015

Major Singh and others

... Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE M.M.S. BEDI

Present : Mr.G.K.Saini, Advocate
for the petitioners.
Mr.Jashan Preet Singh, AAG, Punjab.
Mr.M.K.Singla, Advocate for respondent No.2.

M.M.S. BEDI, J. (Oral)

This revision petition has been filed against order dated 01.05.2015 passed by Additional Sessions Judge, Sangrur, whereby charges have been framed against all the five petitioners under Sections 306 and 494 IPC.

Learned counsel for the petitioners submits that ingredients of Section 306 IPC are not made out even on the bare perusal on the allegation of FIR and material which forms part of the report under Section 173 (2) Cr.P.C. He has vehemently urged that all the family members have unnecessarily been roped as accused though offence is not at all made out.

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

During course of arguments, it has been brought to my notice that entire prosecution evidence in the trial is complete and only the statement of Investigating Officer is to be recorded on

22.12.2015. The pleas which have been raised by the learned counsel for the petitioners in this petition can be raised at the time of final arguments before the trial court as it will not be appropriate for this Court to appreciate the statements of the witnesses on oath in order to determine whether offence under Section 306 IPC or Section 494 IPC are made out or not.

Endeavoring to avoid appreciation of evidence at this stage, I deem it appropriate to dispose of this petition with a direction that trial court shall conclude the trial expeditiously. All the pleas raised by the petitioners herein would be available to the petitioners before the trial court. All the pleas of fact and law raised by the learned counsel for the petitioners before the trial court, would be considered and in case the petitioners are able to establish that the ingredients of abetment under Section 306 IPC in the light of definition of abetment under Section 107 IPC are not made out, it will be open to the trial court to give any benefit to the petitioners on that count or to acquit the petitioners or any of the petitioners. Similarly, if the necessary ingredients of Section 494 IPC are not made out, the trial court shall appreciate the same in a similar manner.

(M.M.S. BEDI)
JUDGE

December 19, 2015

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