

**CRR No.1402 of 2015 (O&M)**

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

**CRR No.1402 of 2015 (O&M)  
Date of Decision: 24.08.2016**

Harcharan Singh and others

.....Petitioners

versus

State of Punjab and another

....Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

**\*\*\***

Present : Mr P.S. Hundal, Advocate  
for the petitioners.

Mr. K.S.Panu, DAG, Punjab.

Mr. S.P.S. Sidhu, Advocate  
for respondent No.2.

**\*\*\***

**AJAY TEWARI, J. (Oral)**

This petition has been filed against the order of framing charge dated 20.03.2015.

Learned counsel for the petitioner has argued that Section 307 IPC is not at all made out. To appreciate the controversy it would apposite to quote the First Information Report. A perusal thereof reveals

**CRR No.1402 of 2015 (O&M)**

that the following actions were alleged to have been taken :-

- i. Holding by neck
- ii. Putting off turban.
- iii. Pulling of hair.
- iv. Pulling of beard.
- v. Blows with iron patti on the arms.

In the circumstances, the argument that the ingredients of Section 307 IPC is not made out is hard to resist.

Learned counsel for respondent No.2 and learned Deputy Advocate General have argued that it is the intention of the assailants which is material for framing the charge under Section 307 IPC.

In my opinion both the arguments though attractive cannot be applied indiscriminately. The intention of a person is a fact which has to be proved like any other fact and one of the essential ways of proving intention is by the action. A person may be highly inimical to another person and may have a strong desire to kill him but does not have the courage and bravado to take any action. In the present case also it is seen that no blow has been aimed at any vital part of the body. Even as per the MLR the injuries are simple in nature.

**CRR No.1402 of 2015 (O&M)**

Anuradha  
2016.08.26 18:11  
I attest to the accuracy and  
integrity of this document

Resultantly, petition is allowed to the extent that charge is altered and Section 307 IPC is deleted.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

**(AJAY TEWARI)**  
**JUDGE**

**24.08.2016**  
*pooja sharma-I/anuradha*

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No