

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

CRR No. 2983 of 2016 (O&M)

Date of decision: 19.09.2016

Mandeep Singh @ Goldi

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate
for the petitioner.

Mr. Sandeep Vashistha, DAG, Haryana.

Mr. Aditya Sanghi, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This petition has been filed against the framing of charge. As per the allegations, the petitioner first drove the tractor carelessly and negligently and when the complainant objected, petitioner stopped the tractor and started intimidating him. Thereafter, some people collected and one of the co-accused pushed the deceased in front of the tractor and the other co-accused and petitioner ran over him and killed him.

2. The case of the petitioner on the other side is that it was a case of road rage. Rather the petitioner's side was being intimidated and threatened by the complainant and a mob which had collected there. The petitioners were rather trying to pacify them. At one stage, some people from the mob said that they should leave the place since, fortunately, no injury had taken place. On that, when the petitioner was about to start, the deceased climbed on the bonnet of the tractor and then after a little while, he fell off the bonnet and came under the wheels of the tractor.

3. Learned Senior counsel submits that in view of the circumstances, the police had rightly filed the challan under Section 304 IPC and the trial Court erred in altering charge to 302 IPC.
4. Learned counsel for the complainant has shown to me the live video footage of the whole incident and at this stage, prima facie, I am of the opinion that the arguments of the learned senior counsel for the petitioner have to be accepted. However, it is clarified that this observation would not be taken to mean that if other evidence appears against the petitioner, the Court would be powerless to alter the charge.
5. At this stage, revision petition is allowed and the Court is directed to frame charge under Section 304 IPC with the clarification that in case any other evidence surfaces which tends to show that the petitioner may guilty under Section 302 IPC, it would be open to the Court to alter the charge.
6. Petition stands disposed of.
7. Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

September 19, 2016
Ansari

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No