

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

CRR-4952-2016

Date of decision:-6.8.2018

Kartar Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.A.K. Goel, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This revision petition is directed against order dated 9.11.2016 passed by learned Additional Sessions Judge, Sonapat vide which she has framed charge for the offences under Sections 323, 452, 306 IPC against the accused.

Kartar Singh accused/petitioner by way of filing the present revision petition prays that the revision petition be accepted, the impugned order be set aside and he be discharged.

Briefly stated facts of the case are that Ram Bhateri daughter of Nafe Singh, resident of village Luhari Tiba, District Sonapat aged

about 19 years had made a statement to the police stating therein that there is a *BADD* tree in the street in front of their house; that Kartar was saying that this tree be cut off and removed, however, since the electricity wires leading to their house had been passing through the said tree, they resisted that attempt, which resulted into a quarrel in which Mangat, Kartar, Gulab sons of Lakhmi and his wife Sabo, daughters Anita and Nisha gave beatings to complainant, her mother and father; that when the complainant and her parents went inside their house, then the assailants aforesaid trespassed there and gave beatings to them in their house; that Kartar had declared that the complainant would not be allowed to go away and would not be fit for marriage; that out of that fear, she consumed celphos tablets. Ram Bhateri later on died.

After registration of the FIR, the matter was investigated. The accused were arrested in this case. On completion of investigation and other formalities challan against the accused was filed in the Court. After compliance of the provisions under Section 207 Cr.P.C., the case was committed to the Court of Sessions. After making consideration on the point of framing of charge, accused were charge-sheeted for the offences under Section 452, 323 and 306 IPC, to which, they pleaded not guilty and claimed trial. The said order framing of charge and the charge-sheet left the petitioner aggrieved and he has filed the present revision petition, notice of which was issued to the respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

A perusal of the FIR goes to show that all the assailants including the present petitioner are specifically named therein and criminal acts have been attributed to them, which disclose commission of cognizable offences. After registration of the FIR, the matter was investigated and investigating agency found sufficient evidence to send all the accused including the present petitioner to face trial for the offences under Sections 452, 323 and 306 IPC. The trial Court after perusing the documents found a prima facie case for said offences against all the accused and charge-sheeted them accordingly. The law is well settled that charge can be framed on the basis of strong suspicion even. Here the evidence available against the petitioner is much more than that.

Learned counsel for the petitioner has referred to authority *Sanju @ Sanjay Singh Sengar Versus State of Madhya Pradesh, 2002(2) R.C.R.(Criminal) 687* by the Apex Court where while interpreting the term abetment, it was observed that a person abets the doing of a thing if he firstly, instigates any person to do that thing; or secondly, engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or thirdly, intentionally aids, by any act or illegal omission, that doing of that thing. There cannot be any dispute with the proposition of law dealt with by this authority but here we are at the stage of beginning of trial. The guilt of the accused shall be determined during the trial. Only after recording evidence, it can be found out whether the petitioner accused and his co-accused had abetted suicide of the deceased. We have

passed the stage of discharge dealt with by Section 227 Cr.P.C. The accused might have been discharged by the trial Court, if upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the said Court considered that there was no sufficient ground for proceeding against the accused. But here the trial Court finding prima facie case against the accused directed framing of charge against them. Therefore, this authority does not help the petitioner in any manner. Similarly the other authorities referred to by learned counsel for the petitioner i.e. *S.S. Chheena Versus Vijay Kumar Mahajan & Another, 2010(4) RCR(Criminal) 66* and *Swamy Prahaladdas Versus State of M.P. And another, 1995 SCC(Cri) 943* do not find application to the present case due to different facts and circumstances and the context in which such observations have been made.

Finding no merit in the petition, the same stands dismissed.

6.8.2018

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No