

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

**CRR No.612 of 2018
Decided on: 19.04.2018**

Sahil Puri and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.K. Bajaj, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (Oral)

This revision petition has been filed challenging the order dated 07.12.2017 vide which the trial Court has framed the charge under Section 302 read with Section 34 of the Indian Penal Code (in short 'IPC') against the petitioners.

Counsel for the petitioners has submitted that the petitioners – Sahil Puri and Robin are the complainants in a cross-version and the complainants in this case have caused injuries to one Rohit Sabharwal, who later on died. It is further submitted that as per the version in the FIR, one birthday party was organized at Haveli Restaurant by Sahil Puri on 23.08.2014. At about 01:00 pm, the petitioners along with few other persons including Rohit Sabharwal (since deceased) were attending the party and thereafter, 5-6 persons came and attacked the petitioners and others in which the aforesaid person namely Rohit Sabharwal sustained fatal injuries and died. Counsel for the petitioners has further submitted that in self-defence, the accused party also caused injuries to the complainant party and one

Rohit Sharma also sustained injuries and later on died after 05 days in hospital. Later on, the police registered the DDR/Rapat No.41 on 27.08.2014 on the statement of brother of the deceased – Rohit Sharma namely Sameer Sharma and the petitioners have been nominated as accused persons. It is further submitted that both the petitioners are on anticipatory bail granted by this Court in CRM-M No.20768 of 2016 vide order dated 07.09.2016 and dated 29.09.2016.

Counsel for the petitioners has further argued that the entire incident was captured in CCTV and the CCTV footage as well as the photographs were produced before the police authorities and the trial Court but without appreciating the same, the trial Court has framed the charges and it is apparent from the CCTV footage that the petitioners have no role in the cross-version except that they were part of the group and neither they were armed nor any over act is attributed to them. Counsel for the petitioners has relied upon the judgment ***“Gurmit Singh vs U.T., Chandigarh”*, 2003(1) RCR (Criminal) 535** to submit that it is held by this Court that while framing the charge, the trial Court can look into all the materials available on record.

After hearing counsel for the petitioners, I find no merit in the present petition. A perusal of the FIR (Annexure P1) show that the presence of the petitioners is not disputed at the spot. It is the case of both the complainants as well as the accused that in the sudden altercation, both the parties caused injuries to each other and gave knife blows, in which one Rohit Sabharwal died from the side of accused/petitioners and one Rohit Sharma died from the side of the complainant after 05 days in hospital, therefore, the presence of the

petitioners and the incident is not disputed.

The trial Court while passing the impugned order has duly appreciated the written arguments submitted by the petitioners and has passed a well-reasoned order. The trial Court has held that from the statement of one Amarnath, the presence of the petitioners is proved as they have been duly named and their role is to be established on the basis of the evidence led by the prosecution. Thus, I find no reason to differ with the findings of the trial Court that the CCTV footage is yet to be proved on record by way of leading evidence and therefore, considering the allegation in the FIR and the report submitted under Section 173 Cr.P.C., I find no illegality or irregularity in the impugned order dated 07.12.2017 passed by the trial Court vide which charges have been framed against the petitioners under Section 302 read with Section 34 IPC.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

19.04.2018
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No