

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

CRR-96-2021(O&M)

Date of decision:-5.2.2021

Nitesh

...Petitioner

Versus

State of Haryana and another

...Respondents

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

Present: Mr.Ankur Lal, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

Feeling aggrieved by framing of charge for the offences punishable under Sections 144, 148, 302 read with Section 149 IPC against him and his co-accused Kuldeep, Ravinder, Om Parkash and Pawan in case FIR No.183 dated 13.4.2020, under Sections 302, 34 IPC, registered with Police Station Bawal, District Rewari, by the Court of Additional Sessions Judge, Rewari vide order dated 15.1.2021, the petitioner/accused Nitesh has filed the instant revision petition praying that the order directing framing of charge against him be set aside and he be discharged.

I have heard learned counsel for the petitioner/accused besides going through the record.

I find that the impugned order is detailed and well reasoned. The law is well settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the order passed by a Court below or the same is perverse and not otherwise. The impugned order does not appear to be suffering from any illegality or infirmity much less apparent on the face thereof. The order is certainly not perverse or passed in an arbitrary manner. There is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

The trial Court found sufficient material on record justifying framing of formal charge for the offences under Sections 144, 148 and 302 read with Section 149 IPC against all accused, namely, Kuldeep, Ravinder, Om Parkash, Pawan and Nitesh (present petitioner). The trial Court in its wisdom after consideration of the record of the case and hearing the submissions of counsel for the accused and the State counsel found sufficient reasons for proceedings against the accused and charge-sheeted the petitioner/accused and his co-accused in terms of Section 228 Cr.P.C. The pleas now taken up in the revision petition by the petitioner/accused touch the merits of the case, which he is free to raise during the trial but considering the same, no order of discharge can be passed in his favour since the trial Court has rightly come to the conclusion that sufficient material is available on the record to frame formal charge against the petitioner and his co-accused so as to try them for such offences.

Finding no merit in the revision petition, the same stands

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dismissed.

5.2.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No