

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

Criminal Revision No.657 of 2021(O&M)

Date of Decision: August 09, 2021

Jashandeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

AND

Criminal Revision No.658 of 2021(O&M)

Harmanpreet Singh and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Anshuman Dalal, Advocate
for the petitioners.

Mr.Surender Singh, AAG, Haryana.

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HARINDER SINGH SIDHU, J.

This order shall dispose of two petitions bearing CRR No.657 of 2021 and CRR No.658 of 2021, both arising out of the same FIR and the same order dated 19.01.2021 passed by the Additional Sessions Judge, Ambala.

Vide the impugned order, charges have been framed against the petitioners for offences under Sections 147, 323, 307, 201, 506, 510 read with Section 149 of the Indian Penal Code.

FIR No.18 dated 14.01.2020 under Sections 147, 149, 201, 323, 506, 307, 510 IPC Police Station Baldev Nagar, District Ambala was registered on the statement of one Gurjeet Singh. He stated that he was working in Van Heusuon show room in Jaggi City Centre, Ambala. His friend Satinder was working in US Polo Show room at the Jaggi City Centre. On 12.01.2020 at about 10.30 pm, he and his friend Satinder were going home on motorcycle after finishing their work. They went to cart of '*chowmin*' behind Jaggi City Centre at '*ahata*' of liquor, but the shop was closed. 4-5 boys were having liquor there. They had kept the bottles on their cars. The complainant and his friend asked someone as to why the '*chowmin*' shop was closed. At this two of those boys started abusing them. The complainant and his friend ignored them and went to Capital Chowk, Ambala on their motorcycle. They had '*Chhap*' there and returned to Jaggi City Centre. From there, the complainant and his friend started for their homes towards Ambala Cantt. On the way they saw the same 4-5 boys beneath the Jandli bridge. They were intoxicated and were dancing. They saw the complainant and his friend and started following them in both their cars. In order to save themselves, the complainant and his friend turned their motorcycle back towards Jaggi City Centre. But the boys chased them in their cars at high speed. When the complainant and his friend reached MT crossing near traffic police booth at about 11.15 pm, those boys hit their motorcycle with their cars. The complainant and his friend fell down on the road. Then one of those boys drove his Verna car towards the complainant, hit him causing injuries on his head and left side and left leg and abrasions

on the body. One of them reversed his black colour car and hit Satinder Singh due to which he received multiple injuries. Many persons gathered there. Then those boys went away in their cars threatening the complainant and his friend that they had been saved but if they met again they would be done to death. The people who had gathered got the complainant and Satinder admitted in Civil Hospital, Ambala City. The complainant was discharged after first aid. Satinder was referred to GMCH-32, Chandigarh. The complainant stated that later, he came to know the numbers of the cars as PB-07AM-5944 and HR-01AP-0073. Car No.HR-01AP-0073 was being driven by Jasbir Singh Sandhu @ Monu, while the name of the driver of the other car was not known to him. He stated that he could recognize the car driver and the other boys on seeing them.

The complainant gave a supplementary statement on 18.01.2020, wherein he stated that the boys had intentionally hit him with Verna car and Satinder with the black coloured car and caused injuries to them with an intention to kill them.

Ld. Counsel for the petitioners has argued that initially the case was registered under Sections 279, 337, 506, 323, 147 and 149 IPC. There was delay of two days in lodging the FIR. The alleged incident was of 12.01.2020. The FIR was lodged on 14.01.2020. In the initial statement of the complainant there is no mention of intention to kill. The complainant improved his version by giving a supplementary statement dated 18.01.2020, wherein he stated that the boys had intentionally hit the complainant with Verna car and Satinder with the black coloured car and caused injuries to

them with an intention to kill. It was a case of a simple accident. The petitioners were not the drivers of the cars. But were only co-passengers. The charge under Section 307 IPC is not made out against them.

Having heard Ld. Counsel for the petitioner, in my view, there is no merit in the petition.

In the initial statement of the complainant on which the FIR was registered it is stated that the complainant and his friend had gone to the cart of '*chowmin*' behind Jaggi City Centre at '*ahata*' of liquor which was closed. 4-5 boys were having liquor there. They abused the complainant and his friend. The complainant and his friend ignored them and went to Capital Chowk, Ambala on their motorcycle. Later the complainant and his friend started for their homes. On the way they saw the same 4-5 boys dancing. They were intoxicated. Seeing the complainant and his friend they started following them in both their cars. In order to save themselves, the complainant and his friend turned their motorcycle back towards Jaggi City Centre. But the boys chased them in their cars at high speed. Near the MT crossing near traffic police booth at about 11.15 pm, those boys hit the motorcycle of the complainant and his friend with their cars causing them to fall down on the road. Then one of those boys drove his Verna car towards the complainant and hit him with the car causing injuries on his head and left side and left leg and abrasions on the body. One of them reversed his black colour car and hit Satinder Singh due to which he received multiple injuries. When people gathered there the boys went away in their cars threatening the complainant and his friend that they had been saved but if

they met again they would be done to death.

The injuries suffered by the complainant were simple. He was discharged the same day after receiving first aid. The injuries suffered by Satinder, the friend of the complainant were serious. He was referred to GMCH-Sector 32, Chandigarh. He was in coma and remained hospitalized for some time.

It was not a case of a simple accident as is being contended by the Ld. counsel for the petitioners. The complainant and his friend who were on motorcycle were chased by the accused in their cars. First they hit the motorcycle causing the complainant and his friend to fall down. Then they caused injuries to the complainant and his friend by hitting them with the cars. The intention or knowledge of the accused to kill was manifest.

Even in the initial statement, the complainant had stated that while going away the boys had stated that though they had been saved that day they would be killed if they met again. In the supplementary statement the complainant specifically stated that the accused had caused injuries to them with an intention to kill.

It is well settled that at the stage of framing charge the Court is not required to record detailed reasons as to why charge is framed. The Court is only to form an opinion that there is sufficient ground for presuming that the accused have committed the offence. A strong suspicion that the accused have committed the offence is sufficient to frame the charge.

On the material aforesaid it cannot be said that the order of the

Court framing of the charges including under Section 307 IPC read with 149 IPC is unjustified.

Accordingly, both the petitions are dismissed.

Nothing observed herein shall be construed as an expression of opinion on the merits of the case.

August 09, 2021

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No