

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-668-2021 (O&M)
Date of Decision:- 7.7.2021

Arshad @ Bhura

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sarfraj Hussain, Advocate, for the petitioner.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court challenging order dated 5.4.2021 vide which the trial Court has passed an order for framing of charges for offence under Section 302 read with Section 34 IPC against the petitioner.
2. As per the FIR which was lodged on the basis of statement of deceased Vishvender himself on 5.9.2020 he had gone to meet his friend Arshad @ Bhura on his scooty where Arshad's nephew namely Rehan offered him water. Upon drinking the water, his condition deteriorated. His mobile phone and purse was taken by Arshad @ Bhura. His scooty was left near his house and Rijwan who is younger brother of Arshad @ Bhura dropped him near Manoj hospital.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that in fact during the course of

investigation no offence under Section 302 IPC was found to be made and offence under Section 306 was incorporated and a challan was presented against the accused for offences under Sections 328, 306, 34 IPC. Learned counsel has submitted that at the stage of consideration of charges the trial Court has however, proceeded to frame charges for offence under Section 302 IPC without there being any cogent or convincing evidence for the same.

4. I have considered rival submissions addressed before this Court.
5. In the instant case the FIR was lodged at the instance of the deceased himself and which in a way assumes the character of a dying declaration which is on a very higher pedestal as far as the evidentiary value is concerned. Further it is not disputed that the cause of death was poisoning. In these circumstances it cannot be said that any error has been committed by the trial Court at the stage of framing of charges. Meticulous examination of the evidence is not required at the time of framing of charges. As such this Court does not find any merit in the revision petition and the same is hereby dismissed.
6. Needless to mention that it shall always be open to the accused/petitioner to raise all such pleas as may be available to him while building up the defence before the trial Court.

7.7.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No