

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

112

CRR-859-2021

Date of decision: 01.12.2021

Aman @ Sanam

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashwani Nagra, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

A challenge has been laid to the order dated 12.03.2021 passed by learned ASJ/Fast Track Court (POCSO), Karnal, vide which charges under Section 10 of the POCSO Act and in the alternative under Section 354 IPC and further under Section 6 read with Section 18 of the POCSO Act and in the alternative under Section 376AB read with Section 511 IPC were framed against the petitioner.

Learned counsel for the petitioner has submitted that the evidence led before the trial Court till now left no manner of doubt about a false and fabricated case having been planted upon the petitioner. Hence, it was evident that the charges had been framed against the petitioner in a hurried manner by the trial Court without appreciating that the essential ingredients to attract the mischief of above said Sections were clearly amiss.

Heard learned counsel for the petitioner and perused the material on record.

At the outset, when a query was put to the learned counsel for the petitioner as to what was the stage of the trial, he has submitted

that the prosecution evidence was underway and three prosecution witnesses including the victim already stood examined.

In the circumstances, this Court fails to comprehend as to how the prayer of learned counsel for the petitioner can be accepted at this belated stage. It may be reiterated that the Court while framing charges is to merely satisfy itself after sifting and weighing the material collected by the investigating agency during investigation and produced before it, as to whether a prima facie case is made out against the accused or not. The Court while framing charges is not to and cannot be expected to appreciate and delve into the probative value of the material collected during investigation. On the other hand, learned counsel for the petitioner is wanting this Court to do exactly that and quash the charges by weighing the correctness of the evidence collected by the investigating agency and thereafter produced during trial.

As a sequel to the above, the instant petition being devoid of merit is dismissed.

01.12.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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