

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

116

CRR No.496 of 2022 (O&M)
Date of decision:17.03.2022

Jaspal Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Aman Mittal, Advocate, for the petitioner.

SUVIR SEHGAL J.

Vide the instant revision petition, the petitioner has challenged the order dated 28.10.2021, whereby, charge has been framed against the petitioner under Sections 506 and 120-B, IPC.

Facts, in brief, may be noticed. Criminal law has been set in motion, on the basis of a statement of 20 years old college going student on the allegation that she is friends with Happy, who is a neighbour. On 27.01.2020, at around 10.00 a.m., Happy alongwith his brother Vishal came to her college, called her on some pretext and took her to a shop. Vishal sat in the shop and Happy took her to the upper floor where she was offered water mixed with some intoxicant substance and on drinking it, she became unconscious. When she regained her senses, she saw that she was naked and Happy was lying next to her. She had pain in her body and left leg and saw the letter 'H' written on her stomach and 'S' written on her knee with blood. She noticed that blood was oozing out of her knee. Happy had established physical relations with her when she was unconscious and when she confronted him, he assured her that he will marry her. He dropped her near college but later, whenever, she asked him to get married, he refused. She

talked with Happy's mother (present petitioner), who was aware of the entire matter, but she kept on instigating Happy. She refused to get her married to Happy and threatened that in case the complainant-prosecutrix took up the issue with anyone, she will be done to death. The complainant was scared. Yesterday, when she felt very uncomfortable, she confided in her parents, who got her admitted in a civil hospital where she was examined and complaint was lodged, resulting into registration of FIR No.191 dated 27.10.2020 under Sections 376, 120-B, 506 IPC (Annexure P-1). On conclusion of investigation, challan (Annexure P-2) has been submitted by the investigating agency against the accused and the Trial Court has drawn the charge-sheet, which is being impugned herein.

Counsel for the petitioner has urged that from the material placed before the Court, no offence is made out against the petitioner and that the charge has been framed without recording any reason.

Arguments addressed by counsel for the petitioner as well as the documents placed on record have been considered.

It has been held by the Supreme Court in **Bhawna Bai Vs. Ghanshyam (2020) 2 SCC 217**, that at the time of framing of charges, only *prima facie* case is to be seen and as to whether case is beyond reasonable doubt is not to be seen. The Court has to see if there is sufficient ground for proceeding against the accused, then charge is to be framed. While evaluating the material, strict standard of proof is not required. The Court is not required to record detailed reasons for the framing of the charge against the accused. Apex Court in **State (NCT of Delhi) Vs. Shiv Charan Bansal and others (2020) 2 SCC 290** has observed that the test to determine *prima facie* case would depend on the facts of each case if the material placed

before the Court discloses grave suspicion against the accused, which has not been properly explained, the Court would be fully justified in framing the charges and proceeding with the trial. The probative value of the evidence brought on record cannot be gone into, at the stage of framing charges. The Court is not required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the ingredients constituting the alleged offence. At this stage, there cannot be a roving enquiry into the pros and cons of the matter and the evidence is not be weighed as if the trial is being conducted.

A perusal of the FIR and the report under Section 173 of the Code of Criminal Procedure clearly makes out a case for framing charge against the petitioner under Sections 506 and 120-B IPC as the petitioner, who is alleged to be aware of the incident, had instigated her son and extended threats to prosecutrix. The circumstances alleged by the prosecution indicate that there are sufficient grounds for proceeding against the accused and the Trial Court has rightly framed the charges under the provisions of the relevant Sections as noticed above.

Finding no merit in the present petition, the same is dismissed.

Needless to mention, any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case and the Trial Court shall proceed with the trial uninfluenced by anything said hereinabove.

(SUVIR SEHGAL)
JUDGE

March 17, 2022
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes