

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRR-1268-2021
Decided on : 10.01.2022

Kuldeep

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aditya Jain, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Challenge in the instant petition is to the order dated 15.07.2021 passed by Addl. District Judge, Gurugram vide which charges were framed under Sections 498-A, 302 and 201 IPC against the petitioner.

Learned counsel for the petitioner has vehemently urged that the trial Court failed to appreciate that prior to the death of deceased Kiran, no complaint whatsoever had been made by her family qua any mental or physical harassment. He further submits that the report received from the FSL (Annexure P-4) clinchingly indicated that it was a case of suicide and not homicide and hence, the trial Court gravely erred in framing charges under Section 302 IPC.

Heard learned counsel and perused the impugned order and other material on record.

The prime object of framing the charges is to enable the accused to have an idea of what he is going to be tried for and the essential facts, which he would have to address during trial. Thus, the Court is just expected to restrict itself to see if prima facie the ingredients of the offences

alleged in the complaint and the material produced by the Investigating Agency warrant framing of charges or not. This Court cannot be expected to enter into the realm of appreciation of evidence at the stage of framing of charges and also whether the prosecution would succeed in proving its case against the accused/petitioner.

This Court should exercise utmost restraint to interfere at the stage of framing of charges unless and until some patent illegality is staring in the face of the Court. On a perusal of the material on record including the Postmortem Report, prima facie, the commission of offences under Sections 498-A, 302 and 201 IPC are made out against the petitioner for which the learned trial Court cannot be faulted with.

This Court is thus not inclined to exercise its revisional jurisdiction to set aside the impugned order. Accordingly, the present petition stands dismissed. However, it is clarified that anything observed hereinabove shall not tantamount to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

10.01.2022

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