

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

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**CRM-1665-2023 in/and
CRR-143-2023 (O&M)
Date of decision: 24.02.2023**

Sandeep Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Sharma, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-1665-2023

Allowed as prayed for.

CRR-143-2023 (O&M)

The petitioner is impugning the order dated 07.07.2021 passed by learned Additional Sessions Judge, Rewari vide which he was charge sheeted under Sections 323, 506 and 34 of the Indian Penal Code, 1860 (for short, 'the IPC') and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act') in case First Information Report (for short, 'FIR') No.0005 dated 08.01.2021 under Sections 323, 34 and 506 of the IPC registered at Police Station Sadar Rewari to which Section 3 of the SC/ST Act was added during investigation.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely attributed a role in the crime in question of allegedly grabbing the complainant from behind and thereafter physically assaulting him, and also indulging in abusive language including giving casteist utterances. In fact, it was respondent No.2/complainant who had abused the petitioner and his brother on the

fateful day on account of some dispute pertaining to tethering of their cattle on a plot near the house of the complainant. The petitioner was assaulted by the complainant as a result of which he received head injuries for which he got himself medico legally examined on the same date. However, with an oblique motive, respondent No.2/complainant came up with a fabricated and exaggerated version qua the alleged casteist utterances so as to invite the mischief of the ingredients of offences under the SC/ST Act and which found due corroboration from the statement of one alleged eye witness Ram Krishan recorded under Section 161 of the Cr.P.C. (Annexure P-4) wherein he did not by way of even a whisper make any reference to it. A prayer has, therefore, been made for setting aside the impugned order dated 07.07.2021 as it was evident that the learned Court had mechanically framed charges without applying its mind and failing to appreciate that totally false and fabricated allegations had been levelled against the petitioner.

I have heard learned counsel and perused the relevant material on record.

Before proceeding further, it needs to be reiterated that the prime object of framing of a charge(s) is to enable the accused to have a clear idea as to what he is being tried for by the Court, and the essential facts which he would have to meet. While framing charge(s) the Court is thus just to sift and weigh the material produced before it by the investigating agency with the limited purpose to ascertain as to whether a prima facie case is made out or not against the accused. The Court at the stage of framing of charges is not to appreciate the probative value of the evidence collected by the investigating agency during

investigation.

As per the allegations levelled in the complaint annexed as Annexure P-1 on 08.01.2021 at about 03:30 P.M. when respondent No.2/complainant was returning home, two boys including the petitioner who were in an inebriated condition picked up a quarrel with him. While the petitioner held the complainant from behind and physically assaulted him, co-accused Vicky hit the complainant with an axe as a result of which he received injuries on his hand. The petitioner also indulged in abusive language and while threatening the complainant with dire consequences passed casteist remarks against him. Thus, in the light of the aforesaid allegations levelled in the FIR, it is abundantly clear that prima facie the commission of the alleged offences under the SC/ST Act are made out.

The truthfulness of the prosecution case is a matter to be appreciated by the Court during trial when the witness would be examined and it is at that stage the accused would get an opportunity to test the veracity of the prosecution case on the touchstone of cross-examination.

Accordingly, this Court does not find any merit in the instant revision petition and the same stands dismissed.

Since the main case has been decided, there is no need to pass separate order on the application seeking condonation of delay, which stands disposed of accordingly.

24.02.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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