

CRR-663-2020 (O&M)

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2024:PHHC:018576

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

242+109

CRR-663-2020 (O&M)

Date of Decision: 08.02.2024

Ritu Rani and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep S. Majithia, Advocate
for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Fariad S. Virk, Advocate
for respondent No. 2.

HARPREET SINGH BRAR, J.(ORAL)

CRM-2474-2024

This is an application filed under Section 482 Cr.P.C for placing on record the death certificate of petitioner No. 2 namely, Amarjit Rai, who died on 19.11.2023 as Annexure P-9 and also exemption from filing certified copy of the same.

Application is allowed and the death certificate of petitioner No. 2 namely, Amarjit Rai is placed on record as Annexure P-9, subject to all just exceptions.

CRR-663-2020

1. This petition has been filed seeking quashing of the impugned order dated 21.11.2019 passed by learned Additional Sessions Judge, District Fatehgarh Sahib vide which the charges have been framed against the present petitioners in case FIR No. 103 dated 08.12.2018 registered at Police

Station Khamanno, Tehsil and District Fatehgarh Sahib, Punjab.

2. Learned counsel for the petitioner *inter alia* contends that the perusal of the FSL Report (Annexure P-3) clearly indicates that the common authorship of the question signatures on the suicide note and the admitted signatures cannot be established and he further relies upon Suicide Note (Annexure P-2) and submits that it is one line suicide note which clearly creates doubt on the case set up by the prosecution and there is no evidence available on record to fasten the abetment within the meaning of Section 107 of the Indian Penal Code to make the petitioner liable for an offence under Section 306 of the Indian Penal Code and the learned trial Court has committed grave error by treating the case of the prosecution as gospel truth and not considering the factual conceptions in the right earnest and further relies upon the decision of Hon'ble Supreme Court in ***Amalendu Pal @ Jhantu versus State of West Bengal 2010 AIR (SC) 512, M.Mohan versus State Tr.Dy.Supt. of Police 2011 AIR (SC) 1238, Sanju @ Sanjay Singh Sengar versus State of Madhya Pradesh 2002(2) R.C.R (Criminal) 687 and S.S.Chheena versus Vijay Kumar Mahajan and another 2010(4)R.C.R (Criminal) 66.***

3. Having heard learned counsel for the petitioner and after perusing the record as well as the case laws cited, this Court finds no force in the argument advanced by the counsel appearing for the petitioners. The petitioners have challenged the order dated 21.11.2019 vide which charges are framed against them. It is settled law that the primary consideration at the stage of framing of charge is the test of existence of a prima facie case, and at this stage, the probative value of materials on record need not be gone into. The Hon'ble Supreme Court in the judgments passed in ***State of Maharashtra Vs. Som Nath Thapa (1996) 4 SCC 659 and State of MP Vs.***

made by the court at the stage of framing of the charge is to test the existence of prima facie case. At the stage of framing of charge, the court has to form a presumptive opinion to the existence of factual ingredients constituting the offence alleged and it is not expected to go deep into probative value of the material on record and to check whether the material on record would certainly lead to conviction at the conclusion of trial.

4. In view of the aforesaid facts and circumstances, no ground for interference is made out. Resultantly, the instant petition stands dismissed.

5. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

08.02.2024

Rajeev (rvs)

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No