



CRR-1370-2024

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**119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRR-1370-2024 (O&M)
Decided on : 25.11.2024

Ravinder Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Jagdeep S. Rana, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. The petitioner is impugning the order dated 10.04.2023 and 03.05.2024 respectively passed by Ld. Special Judge, Ludhiana in CIS No.PC/1/2024 vide which he was summoned to face trial in a case registered under Sections 409 IPC and 13(2) PC Act at Police Station Ludhiana and charges were framed against him.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, as is evident from the sequence of events leading upto the filing of present petition. It is submitted that the petitioner was posted as Junior Assistance in the Regional Office, Ludhiana and was also performing the role of Cashier. On 16.11.2010, a Committee was constituted to facilitate the transfer of charge of store keeper Ranbir



Singh Sandhu to the petitioner. However, the Committee failed to effectuate the handover. During the relevant period, i.e. from 01.04.2009 to 31.08.2012, the store remained under the charge of Ranbir Singh Sandhu, and the petitioner never assumed responsibility for it. In support, learned counsel has highlighted that the petitioner, recognizing his junior position, sent letter bearing No.358 dated 19.11.2010 to the District Manager, requesting that the charge of the store be handed over to a Senior Assistant instead. It is, therefore, asserted by the learned counsel that the petitioner had no role in the alleged misappropriation of funds during the said period.

3. It is further argued by the learned counsel that the petitioner was declared innocent during the investigation conducted by ADCP, Ludhiana. However, after a lapse of four years, the public prosecutor moved an application under Section 319 Cr.PC, seeking to summon the petitioner as an additional accused. This application was allowed by the learned Trial Court without considering the detailed investigation, findings and other developments. In support, learned counsel has drawn the attention of this Court to Annexure P-8.

4. Learned counsel has further argued that the learned trial Court failed to take into account the inquiry conducted by the ADCP, Ludhiana while summoning the petitioner under Section 319 Cr.PC. It is also pointed out that an earlier application moved under Section



319 Cr.PC for summoning the petitioner was dismissed by the trial Court, making the subsequent order summoning him as an additional accused patently illegal.

5. It has further been submitted that the petitioner had earlier approached this Court by way of CRR No.1229 of 2023, which was withdrawn with liberty to approach this Court afresh in case the competent authority granted sanction to prosecute the petitioner. In support, learned counsel has drawn the attention of this Court to Annexure P-9. It has been contended that subsequently, the petitioner filed another petition CRR No.2373 of 2023, which was disposed of as withdrawn, with this Court directing the Trial Court to consider all contentions raised by the petitioner at the stage of framing of charges and to pass a reasoned order in accordance with law. In support, attention of this Court has been drawn to Annexure P-10.

6. Learned counsel has vehemently argued that despite specific directions passed by this Court, the Trial Court failed to pass a detailed and reasoned order and did not consider the contentions of the petitioner. It has been further submitted that it is a settled preposition of law that an accused declared innocent by the investigating agency can only be summoned if substantial evidence is brought on record against him. However, no new or substantial material has been presented in the present case. Hence, it has



been urged that the impugned order framing charges against the petitioner is patently illegal and deserves to be set aside.

7. I have heard learned counsel for the petitioner and perused the material placed on record.

8. In the instant case, there are allegations of misappropriation of over Rs.97 lakhs from the sale of books intended for Sarb Sikhya Abhiyan- Welfare Department. The petitioner, along with co-accused, is alleged to have committed the offence during the relevant period. Initially, the prosecution filed an application under Section 319 Cr.PC to summon the petitioner as an additional accused. This application was dismissed by the learned trial Court on 20.12.2018 (Annexure P-5) on the ground that it was premature, as the investigation regarding the role of petitioner was still pending and he had not yet been declared innocent.

9. Subsequently, after the investigation was completed and the petitioner was declared innocent by the investigating agency, the prosecution moved another application under Section 319 Cr.PC. This time, the application was allowed by the learned trial Court, summoning the petitioner as an additional accused.

10. The petitioner thereafter challenged the said order before this Court but, after arguments on merits, withdrew the petition with liberty to raise his contentions before the trial Court at the stage of framing charges.



11. Before this Court, learned counsel for the petitioner has raised arguments questioning the validity of his summoning under Section 319 Cr.PC. However, this Court cannot delve into these issues, as they were earlier also raised before this Court and the petitioner had subsequently withdrawn his petition. These arguments cannot be re-agitated at this stage.

12. The only issue before this Court pertains to whether the learned trial Court committed any illegality or infirmity in framing charges against the petitioner.

13. Upon a perusal, it comes across that the learned trial Court framed charges against the petitioner after considering the material on record. While learned counsel for the petitioner has argued that no new or substantial evidence has been presented against the petitioner, the trial Court was still within its jurisdiction to examine the available evidence and proceed with the framing of charges. The petitioner retains the liberty to raise all permissible defences during the course of trial.

14. In ***Bhavna Bai vs. Ghanshyam, AIR 2020 (SC) 554***, Hon'ble the Supreme Court has held that for framing charges, the Judge is not required to record the reasons. The relevant observations made by Hon'ble the Supreme Court are as under:

“15. After referring to Amit Kapoor, in [Dinesh Tiwari v. State of Uttar Pradesh and another](#) (2014) 13 SCC 137, the Supreme Court held that for framing charge under [Section 228 CrI.P.C.](#), the judge is not



required to record detailed reasons as to why such charge is framed. On perusal of record and hearing of parties, if the judge is of the opinion that there is sufficient ground for presuming that the accused has committed the offence triable by the Court of Session, he shall frame the charge against the accused for such offence.

*16. As discussed above, in the present case, upon hearing the parties and considering the allegations in the charge sheet, the learned Second Additional Sessions Judge was of the opinion that there were sufficient grounds for presuming that the accused has committed the offence punishable under [Section 302 IPC](#) read with [Section 34 IPC](#). The order dated 12.12.2018 framing the charges is not a detailed order. For framing the charges under [Section 228 CrI.P.C.](#), the judge is not required to record detailed reasons. As pointed out earlier, at the stage of framing the charge, the court is not required to hold an elaborate enquiry; only prima facie case is to be seen. As held in *Knati Bhadra Shah and another v. State of West Bengal* (2000) 1 SCC 722, while exercising power under [Section 228 CrI.P.C.](#), the judge is not required record his reasons for framing the charges against the accused. Upon hearing the parties and based upon the allegations and taking note of the allegations in the charge sheet, the learned Second Additional Sessions Judge was satisfied that there is sufficient ground for proceeding against the accused and framed the charges against the accused-respondent Nos.1 and 2. While so, the High Court was not right in interfering with the order of the trial*



court framing the charges against the accused-respondent Nos.1 and 2 under [Section 302](#) IPC read with [Section 34](#) IPC and the High Court, in our view, erred in quashing the charges framed against the accused. The impugned order cannot therefore be sustained and is liable to be set aside.”

15. As a sequel to the above, this Court does not find any merit in the instant petition and the same stands dismissed accordingly.
16. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

25.11.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Whether reportable :

Yes/No

Yes/No