



CRM-M-17062-2025(O&M)

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

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CRM-M-17062-2025(O&M)

Decided on: 02.12.2025

Simranjeet Singh**.....Petitioner****Versus****State of Punjab and others****.....Respondents****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Abhinav Gupta, Advocate and
Mr. Jatinder Kumar Kansal, Advocate
for the petitioner(s).

Mr. Sukhbeer Singh, DAG,Punjab.

Mr. Mohinder Singh Joshi, Advocate for respondent No.5.

SANJAY VASHISTH, J.**CRM-41264-2025**

i) Present application has been filed under Section 528 of BNSS, for placing on record reply alongwith Annexure R-5/1 to Annexunre R-5/16.

ii) For the reason enumerated in the application, same is allowed and reply alongwith Annexures R-5/1 to R-5/16 are taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

CRM-M-17062-2025



1. Through instant petition filed under Sections 528 read with 442 of BNSS, petitioner has sought modification of the order dated 03.03.2025, whereby the private respondents, namely Daljit Singh @ Jeet (Respondent No. 5) and Gurpreet Singh (Respondent No. 6), have been chargesheeted under Section 304 IPC instead of Sections 302/34 IPC in connection with FIR No. 64 dated 09.05.2024, registered under Section 302/34 IPC at Police Station Passiana, District Patiala.

2 FIR in the instant case was registered at the instance of complainant-Simranjeet Singh, which reads as follows:

"I am resident of above noted address and I am studying in BA class of Punjabi University Patiala. My father Darshan Singh was working as Sewadar in the Gugga Marhi of our village Sarhali and was residing at Gugga Marhi. Yesterday on 08.05.2024 I and my cousin brother Gursewak Singh along with other devotees went to Gugga Marhi and other Sangat was present there. I along with my cousin Gursewak Singh and other Sangat were laying in the Warandah of Guga marhi and my father Darshan Singh was also taking rest in the room constructed in Gugga Marhi and the light of Gugga Marhi was switched on. At around 10.00 PM, Daljit Singh@ Jeet son of Palwinder Singh resident of our village came on his Swraj Tractor and he parked his tractor outside the Gugga Marhi and entered into the room of Gugga Marhi where my father was taking rest and he caught hold the hair of my father and while beating him, brought my father out of the room, in the meantime, his son Gurpeet Singh @ Sunny Deol reached there and both father and son started beating to my father Dashan Singh by saying in loudly voice that today we will not leave Darshan Singh, we will kill him. My father started raising noise,



then I and my cousin Gursewak Singh and other Sangat went to my father Darshan Singh and saved my father Darshan Singh from them. After leaving my father, they ran away from the spot while abusing us. My father became unconscious and fell down on the ground, therefore I and my cousin Gursewak Singh have arranged the vehicle and brought my father at Amar Hospital, Patiala where my friend Gurpreet Singh son of Kaka Singh resident of Nawan Mehmoodpur Jattan, Patiala also reached. After checking, the doctor has declared that my father Darshan Singh has dead. The motive behind the grudge is that my father used to render services at Gugga Marhi and many devotees use to visit at Gugga Mari. The field of Daljit Singh@ Jeet above said was on the passage of Guga Mari and he used to cause loss to the vehicles of the Sangat visits at Gugga Marhi, therefore my father Darshan Singh has restrained him not to do so, due to which said Daljit Sigh Jeet and his son Gurpreet Singh were having grudge against my father Darshan Singh, due to said grudge, they caused injuries and have committed the murder of my father Darshan Singh. Legal action be taken against said Daljit Singh@ Jeet and his son Gurpreet Singh residents of village sarhali ”

3. Initially, the case was registered under Sections 302/34 IPC; however, while submitting the challan under Section 173 Cr.P.C., Section 302 IPC was substituted with Section 304/34 IPC. When the matter reached the stage of framing of charges before the trial Judge on 03.03.2025, charges were also framed against the accused for the offence under Section 304 read with Section 34 IPC without assigning any reason. The impugned order dated 03.03.2025 reads as follows:

“ Heard. From the perusal of the report U/s 173 Cr.P.C., and. the documents attached there to a clear prima-facie case



U/s 304 read with 34 of IPC is made out. The charge has been accordingly framed against the accused which has been explained to accused in simple Punjabi Language. The accused not plead guilty and claim trial.

Adjourned to 27.03.2025. PW cited at Sr.No.1 be summoned for the date fixed.

An application for preserving and summoning of complete original record ie customer application form, call details and tower location, has been filed. Its reply be also filed on the date fixed.

Date of order:03.03.2025

*(Harinder Sidhu)
Addl. Sessions Judge/Judge
Special Court/Special Judge
Patiala”*

Thus, petitioner (complainant), aggrieved by the order of framing of charges, contends that in view of the allegations and the manner in which the crime was committed, the police filed the charge sheet without applying proper mind or recording any reasons to justify the deletion of the offence under Section 302 IPC and its substitution with an offence under Section 304 IPC.

4. Learned counsel for the petitioner argues that once the trial Court itself has discharged the accused of a particular offence under Section 302 IPC and proceeded with the trial by framing charges for an offence of lesser gravity, punishable with a lesser sentence, it can be safely assumed that, before leading the complete set of evidence, including medical evidence and its thorough examination, accused has effectively been given a clean chit under the original charge.

Counsel further contends that, after reaching the final stage of the trial, if the Court wishes to punish the accused with a higher sentence, it may not be possible at that stage to reframe the charges and



start the trial afresh. Moreover, trial Court has not expressed its reasoning at the time of framing the charges as to how the accused could be absolved of committing the offence under Section 302 IPC and yet be charged for an offence of lesser gravity, namely Section 304 IPC.

5. Counsel relies upon **Ghulam Hassan Beigh Vs. Mohammad Magbool Magrey and others, 2022 (12) SCC 657, Law Finder Doc ID #2016782**, and submits that, by setting aside the impugned order dated 03.03.2025, charges should be framed under Section 302 IPC before proceeding with the trial.

6. On the other hand, learned State counsel and counsel representing Respondent No. 5, while defending the impugned order, submit that a thorough discussion had already been conducted by the Investigating Officer/SHO/concerned police officer while preparing the report under Section 173 Cr.P.C. In this regard, they refer to the final report appended with the petition, which records the reasons that accused Daljeet Singh was empty-handed and arrived at the scene only after parking his tractor. The intervention by the Sangat devotees, has also been duly noticed by the Investigating Officer. It is therefore, argued that there was no intention on the part of the private respondents to cause the murder of the father of the petitioner/complainant, and, consequently, order framing the charges is perfectly justified.

7. I have heard learned counsel for all parties and have also examined the complete record before this Court, including the order dated 03.03.2025.



8. Some of the submissions addressed by petitioner and recorded on 06.11.2025 are reproduced hereunder:

“1. *Simranjeet Singh (petitioner in CRM-M-17062-2025) has approached this Court by filing petition under Section 528 read with Section 442 of BNSS, 2023, seeking modification of the order dated 03.03.2025 (Annexure P-3), passed by Additional Sessions Judge/Judge Special Court/Special Judge, Patiala, in Case No. SC-226-2024, titled as ‘State of Punjab v. Daljit Singh alias Jeet’, whereby private respondent Nos. 5 and 6, namely, Daljit Singh @ Jeet and Gurpreet Singh, respectively, have been charge-sheeted under Section 304 IPC instead of Section 302/34 IPC, in FIR No. 64, dated 09.05.2024, under Section 302/34 IPC, registered at Police Station Passiana, District Patiala. Further prayer for issuance of directions for re-investigation in the said FIR by an independent agency such as CBI, has also been made.*

2. *The other petition, i.e. CRM-M-32016 of 2025, has been filed by petitioner Daljeet Singh (who is respondent No. 5 in CRM-M17062-2025), seeking regular bail in the aforementioned FIR.*

3. *In brief, the facts are that complainant Simranjit Singh got registered the FIR (supra) against Daljeet Singh @ Daljit Singh @ Jeet and Gurpreet Singh @ Sunny Deol s/o Daljeet Singh @ Daljit Singh @ Jeet, by alleging that he himself is a student in Punjabi University and doing BA. Darshan Singh used to serve as a caretaker at Guga Marhi in the Village Karhali and used to live there as well. On 08.05.2024 at about 10:00 p.m. one co-villager Daljeet Singh @ Daljit Singh @ Jeet came on his Swaraj Tractor and parked it outside Guga Marhi. After entering the room, he dragged the father of the complainant outside by pulling hair and then started beating him. During this, Gurpreet Singh @ Sunny Deol also reached and thereupon both father and son together started brutally beating Darshan Singh. When his father cried, complainant alongwith his brother Gursewak Singh and other people present at the scene rushed to the spot to rescue his father and then managed to save him from both the attackers.*



The accused thereafter ran away from the spot, while abusing and threatening. When complainant and his cousin Gursewak Singh took Darshan Singh to the hospital there he was declared dead. In regard to the motive, it has been alleged in the FIR that father of the complainant used to serve at Guga Marhi Shrine, where large number of devotees used to come to pay respect. Field belonging to Daljeet Singh @ Daljit Singh @ Jeet were located in the nearby and a path was passing through that. Daljeet Singh @ Daljit Singh @ Jeet would often cause damage to the vehicles of the devotees, who visited Guga Marhi and complainant's father Darshan Singh had stopped Daljeet Singh @ Daljit Singh @ Jeet several times from doing so. Due to said reason, Daljeet Singh @ Daljit Singh @ Jeet and his son Gurpreet Singh nurtured grudge and caused murder of the father of complainant.

4. Mr. Abhinav Gupta, learned counsel for the petitioner – Simranjeet Singh, by referring to the injuries suffered by the deceased Darshan Singh, as mentioned in the post-mortem report (Annexure P-4, Page 39, attached with CRM-M-17062-2025), submits that all the four injuries were on the vital parts of the body, such as head and the chest. Mr. Gupta further refers to the cause of death, as opined by the doctors, which reads as under:-

“OPINION

Cause of Death

The cause of death in this case in our opinion is head injury described which is sufficient to cause death in the ordinary course of nature.”

5. Mr. Abhinav Gupta, further reads out the final report under Section 173 Cr.P.C. (Annexure P-2, attached with CRM-M-17062-2025, running page Nos. 29 to 32) and submits that investigating officer or concerned SHO had no power to conclude on his own that no intention to cause murder was there once the accused were noticed there on the spot without any weapon/empty handed. The circumstances required to be examined in its entirety alongwith the motive assigned in the FIR itself.



Also contends that rather intention could be inferred by seeing the CCTV footage where it is recorded that accused Daljeet Singh @ Daljit Singh @ Jeetd was not only dragging the accused outside the complex of Guga Marhi but also hitting his head on the pillars installed there.”

9. It would not be out of place to mention that a copy of the charge sheet dated 03.03.2025, framed by the trial Court consequent to the passing of the order/charge, has also been produced and is taken on record. Registry is directed to tag the same at the appropriate place.

10. I have gone through the judgment of the Hon’ble Apex Court in ***Ghulam Hassan Beigh’s case (supra)***. Paragraph 27 deals with the responsibility of the Court to apply its mind at the time of framing the charges, not in great detail, but by providing brief reasons in support of its opinion. It also observes that a strong suspicion is sufficient for the purpose of framing the charges and thereafter, proceed with the trial proceedings. Paragraphs 27, 32, 33, and 34 read as follows:

“27. Thus from the aforesaid, it is evident that the trial court is enjoined with the duty to apply its mind at the time of framing of charge and should not act as a mere post office. The endorsement on the charge sheet presented by the police as it is without applying its mind and without recording brief reasons in support of its opinion is not countenanced by law. However, the material which is required to be evaluated by the Court at the time of framing charge should be the material which is produced and relied upon by the prosecution. The sifting of such material is not to be so meticulous as would render the exercise a mini trial to find out the guilt or otherwise of the accused. All that is required at this stage is that the Court must be satisfied that the evidence collected by the prosecution is sufficient to presume that the accused has committed an offence. Even a strong suspicion



would suffice. Undoubtedly, apart from the material that is placed before the Court by the prosecution in the shape of final report in terms of section 173 of CrPC, 1973 the Court may also rely upon any other evidence or material which is of sterling quality and has direct bearing on the charge laid before it by the prosecution. (See : Bhawna Bai v. Ghanshyam, (2020) 2 SCC 217).

28. xxx

29. xxx

30. xxx

31. xxx

32. We may now proceed to consider the issue on hand from a different angle. It is a settled position of law that in a criminal trial, the prosecution can lead evidence only in accordance with the charge framed by the trial court. Where a higher charge is not framed for which there is evidence, the accused is entitled to assume that he is called upon to defend himself only with regard to the lesser offence for which he has been charged. It is not necessary then for him to meet evidence relating to the offences with which he has not been charged. He is merely to answer the charge as framed. The Code does not require him to meet all evidence led by prosecution. He has only to rebut evidence bearing on the charge. The prosecution case is necessarily limited by the charge. It forms the foundation of the trial which starts with it and the accused can justifiably concentrate on meeting the subject-matter of the charge against him. He need not cross-examine witnesses with regard to offences he is not charged with nor need he give any evidence in defence in respect of such charges.

33. Once the trial court decides to discharge an accused person from the offence punishable under Section 302 of the IPC and proceeds to frame the lesser charge for the offence punishable under Section 304 Part II of the IPC, the prosecution thereafter would not be in a position to lead any evidence beyond the charge as framed. To put it otherwise, the prosecution will be thereafter compelled to proceed as if it has now to establish only



the case of culpable homicide and not murder. On the other hand, even if the trial court proceeds to frame charge under Section 302 IPC in accordance with the case put up by the prosecution still it would be open for the accused to persuade the Court at the end of the trial that the case falls only within the ambit of culpable homicide punishable under Section 304 of IPC. In such circumstances, in the facts of the present case, it would be more prudent to permit the prosecution to lead appropriate evidence whatever it is worth in accordance with its original case as put up in the chargesheet. Such approach of the trial court at times may prove to be more rationale and prudent.

34. *In view of the aforesaid discussion, the order of the High Court as well as the order of the trial court deserve to be set aside.”*

11. This Court is of the view that the impugned order dated 03.03.2025 does not meet out the parameters discussed by the Hon’ble Apex Court in ***Ghulam Hassan Beigh’s case (supra)***. Therefore, order of charge dated 03.03.2025 is held to be completely non-speaking and is hereby **set aside**. The order of charge and the consequent charge sheet dated **03.03.2025** framed by the trial Court are **set aside**, and the trial Court is directed to reframe the charges afresh, after examining the complete record. It is expected that this time, trial Court, will reflect its tentative mind and provide some reasons, while forming its opinion for framing charges under the appropriate offence(s).

Accordingly, present petition is allowed and disposed of in the aforementioned terms.

02.12.2025
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(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**