

2025:PHHC:164008



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

CRR-2666-2025

Sagar @ Sagar Mavi and another

....Petitioners

V/s

State of Haryana

....Respondent

Reserved on: 27.10.2025

Date of decision: 26.11.2025

Date of uploading: 26.11.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Keshav Pratap Singh, Advocate for the petitioners.

Mr. Deepak Kumar Grewal, DAG Haryana.

Mr. D.S. Matya, Advocate for the complainant.

SUMEET GOEL, J.

1. The present revision petition has been filed under Section 442 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'BNS, 2023') challenging the order dated 28.07.2025 passed by Additional Sessions Judge, Gurugram whereby the petitioner has been charge-sheeted to face trial under Sections 109(1) read with Section 61(2), 126(2), 115(2) read with Section 190, 117(2) read with Section 190, 140(3) read with Section 62, 324(4), 351(2) read with Section 190 and Section 191(3) of the BNS, 2023.

2. Shorn of non-essential details, the relevant factual matrix of the *lis* in hand is that the FIR bearing No.128 dated 25.03.2025 was registered at Police Station City Sohna, District Gurugram, alleging that the petitioners

alongwith other co-accused had attacked the complainant on 22.03.2025

with an intention to kill pursuant to a pre-planned conspiracy. Immediately after the alleged occurrence, the complainant was medically examined at Civil Hospital, Sohna and was thereafter referred to Artemis Hospital. During the course of investigation, certain Sections were added and deleted from the FIR. The petitioner No.1 and co-accused Mohit Adana were arrested on 29.03.2025 and petitioner No.2 was arrested on 06.04.2025. The alleged motive behind the occurrence is stated to be a workplace dispute between the complainant and co-accused Mohit Adana at Maruti Pasco Sales Service Company where both were previously employed. According to the police, a prior altercation during a strike in January 2025 and a subsequent scuffle on 21.03.2025 purportedly led to the incident in question. The medical opinion opined that some injuries were grievous in nature which led to addition of Section 109(1) of BNS. The petitioners, however, alleged that the allegations are false, exaggerated and unsupported by cogent evidence. Relying upon the medico opinion-legal report and supplementary medical opinion, the Court below framed the impugned charges.

3. Learned counsel for the petitioners has iterated that even on a bare perusal of the allegations in the FIR as well as the MLR of the complainant, no ingredients of the offence punishable under Section 109 BNS, 2023 are made out. Learned counsel has further iterated that the complainant has primarily suffered grievous injuries on his legs which are neither fatal nor dangerous to life nor sufficient in the ordinary course of nature to cause death. Learned counsel has further submitted that merely because the petitioners are alleged to have inflicted injuries upon the

complainant, the prosecution cannot mechanically infer intention or knowledge to cause death which is an essential pre-condition for invoking Section 109 of BNS. Learned counsel has further pointed out that one of the principal co-accused namely Sohit, who has specifically been alleged to have inflicted injuries with a sharp-edged weapon has been found innocent during the course of investigation. According to learned counsel, the Court below has failed to appreciate that the medical opinion relied upon for adding Section 109(1) BNS does not support the prosecution case. Furthermore, the opinion of the doctor dated 02.04.2025 (Annexure P-4) clearly states that the fractures sustained by the complainant is not dangerous to life and hence the essential ingredients of Section 109(1) are not made out. Learned counsel has further contended that the learned trial Court erroneously proceeded to frame charges under Section 109(1) of BNS, 2023, by ignoring the absence of medical to support such charge. To buttress his arguments, learned counsel has relied upon the judgments titled as *Sanjay and others vs. State of Haryana* in *CRA-S-2289-2004* decided on 10.07.2019 and *Atma Singh vs. The State of Punjab, 1980 PLR, 719*. Learned counsel has further submitted that the challan has been presented and the Court below has proceeded in a mechanical manner and has framed the charges against the petitioners. On the basis of these submissions, learned counsel has prayed that the impugned order is wholly unsustainable and amounts to a gross abuse of the process of law. Learned counsel has, therefore seeks quashing of the charge-sheet as well as impugned order of framing of charges.

4. *Per contra*, learned State counsel has opposed the present petition on the ground that the allegations raised in the FIR coupled with the medical evidence and material collected during investigation clearly disclose the commission of the offences for which charges have been framed. According to learned State counsel, the petitioner raises disputed questions of fact which cannot be adjudicated at the stage of framing of charges. Learned State counsel has argued that the complainant has suffered multiple fractures and as per the medical opinion, injuries No. 1 to 8 are grievous in nature and *prima facie* indicate a pre-planned attack. It has been further submitted that at the stage of framing of charges, the Court is only required to see whether a *prima facie* case exists and hence no illegality is found in the impugned order of framing the charges. Based on these submissions, learned counsel has contended that the impugned order is well-reasoned and based on sufficient material and, therefore, the present petition is devoid of merit and liable to be dismissed.

5. Learned counsel appearing for the complainant has vociferously opposed the present petition by contending that the FIR, medical evidence, statements of witnesses and the overall circumstances of the case clearly make out a *prima facie* case against the petitioners. The allegations are serious, well-supported and cannot be brushed aside at the preliminary stage. Learned counsel has further contended that the injured-complainant has specifically named the petitioners and other co-accused as the assailants, who in a pre-planned manner and armed with deadly weapons such as iron rods, sharp-edged weapons, lathis and dandas, attacked him with the intention to cause his death. Furthermore, the nature of the assault,

the number of accused involved and the weapons used clearly indicate intention and knowledge required under Section 109(1) BNS. Learned counsel has emphasized that at the stage of framing of charges, the Court is only required to see whether there exists sufficient material giving rise to strong suspicion against the accused. On the strength of these submissions, learned counsel has prayed that the present petition deserves to be dismissed.

6. I have heard learned counsel for the rival parties and carefully perused the record of the case.

7. Before delving into the merits of the present matter, it would be germane to refer herein to a judgment passed by this Court in ***Sanjay Kumar Sharma vs. State of Haryana and another*** = 2024:PHHC:080609, while relying upon a judgments of the Hon'ble Supreme Court in cases of ***State of Karnataka vs. L. Munishwamy*** : 1977 (3) SCR 133; ***State of Bihar vs. Ramesh Singh*** : AIR 1977 SC 2018; ***Superintendent and Remembrancer of Legal Affairs, West Bengal vs. Anil Kumar Bhunjia and others***, 1979(4) SCC 274; ***Niranjan Singh Karam Singh Punjabi vs. Jitendra bhimraj Bijja and others*** : AIR 1990 SC 1962; ***State of Maharashtra vs. Som Nath Thapa etc.*** : (1996) 4 SCC 659; ***State of M.P. vs. S.B. Johri***: AIR 2000 SC 665; ***Union of India vs. Prafulla Kumar Samal and another*** : (1979) 3 SCC 4; ***Sajjan Kumar Vs. CBI***: (2010) 9 SCC 368 and ***Ghulam Hassan Beigh vs. Mohammad Maqbool Magrey and ors.*** : 2022 (12) SCC 657 = 2022 INSC 750; has held as follows:

“9.4 As a result of above discussion, the following postulates emerge:

I. The power as also the duty cast upon the Court, while considering the aspect of framing of charges, is a significant facet of criminal

proceedings & hence the same ought to be undertaken in an assiduous manner and not in a ritualistic or lackadaisical manner.

- II. The Court, while considering the aspect of framing of charges, ought not to act merely as a post office or a mouth piece of the prosecution but ought to consider this pivotal aspect keeping in view the interest of all concerned namely the prosecution (society at large) victim/complainant trial being above all. also the accused: the interest of justice and fair being above all.*
- III. A Court while considering the question of framing charges, undoubtedly, has power to sift and weigh the material produced before it for the limited purpose of finding out whether or not a prima facie case is made out against the accused. It must be cautioned, at this stage, that the Court ought not to make a roving enquiry into the truthfulness, reliability, relevance or sufficiency etc. of such material brought before it since these aspects are required to be accounted for at the time of holding the accused guilty or not.*
- IV. While sifting through the material placed before it the Court ought to consider the broad probabilities of the case, total affect of evidence/document produced before it, basic infirmities in the case, there being legal bar to the prosecution, whether such material is opposed to common sense, whether the allegations and material brought in support thereof are patently absurd or inherently improbable to meet the test of a prudent person, the continuation of the trial is abuse of the process of Court/law leading to injustice and such factors of akin nature.*
- V. Where the material produced before the Court discloses grave/strong suspicion, the Court will be justified in framing charge(s) and proceed further. However, where such material shows that two views are equally possible and the material gives rise to some suspicion but not grave/strong suspicion, then the Court ought not to frame charges against the accused.*
- VI. There is no gainsaying that the factors/principles enumerated hereinabove are illustrative in nature for no inexorable formula can be laid down in this regard. In other words, it is not only difficult but is inherently impossible to state with exhaustive precision such factors/principles since every case has its own unique factual conspectus.”*

8. The facts that emerged from the record, indubitably, reflect that the complainant Amar lodged FIR *ibid* alleging that on 22.03.2025, the petitioners alongwith co-accused persons namely Sohit Adhana, Annu Adhana, Prince and Sagar Mavi were armed with iron rods, sharp edged weapons, lathis and dandas. They intercepted the complainant and assaulted him in a pre-planned manner allegedly pursuant to a scuffle that took place on 21.03.2025 at Maruti Pasco Sales Service Company. During the assault, multiple blows were inflicted upon the complainant resulting in fractures on various bones as recorded in the MLR dated 22.03.2025. The complainant was initially taken to Civil Hospital, Sohna where he was examined medico legally and thereafter referred to Artemis Hospital, Gurugram for further treatment. The Police arrested petitioner No.1 and co-accused Mohit Adana on 29.03.2025 and during interrogation, the co-accused disclosed the history of prior enmity and a quarrel with the complainant whereas the petitioner No.2 was arrested on 06.04.2025. Upon seeking expert medical opinion that injuries No.1 to 8 were declared grievous in nature being fractures and could be dangerous to life if not attended immediately. After submission of the challan, the Court below vide impugned order dated 28.07.2025 framed charges against the petitioners.

9. The central argument of the petitioner is that Section 109 of BNS is not attracted because the injuries are primarily on the legs. However, the medico legal report and the supplementary opinion show multiple fractures on different parts of the legs including tibia and fibula, which are bones of significant strength. Inflicting fractures with iron rods, sharp edged weapons and wooden lathis in a group assault cannot be termed

as non-serious. The medical opinion that the injuries could be dangerous to life if not attended immediately indicates that the injuries in the absence of immediate medical care were capable of endangering life. It is well settled that at the stage of framing of charge, the Court is not required to conduct a roving inquiry into the evidence nor appreciate it as if concluding a trial. A strong suspicion founded on material collected during investigation is sufficient for framing charges. In the instant case, the medico legal report and subsequent opinion dated 02.04.2025 clearly records that injuries No.1to 8 are fractures and grievous in nature which could be dangerous to life. Furthermore, the effect of multiple fractures inflicted by several accused armed with weapons cannot be lightly brushed aside. Whether the injuries sustained by the complainant were inherently dangerous or became dangerous on account of circumstances, is a matter to be established during the course of trial. Moreover, from the perusal of the FIR, statement of the complainant and the disclosure statement of co-accused show that there is previous enmity between the parties. The use of iron rods, sharp edged weapons and wooden lathis by a group of assailants in a targeted manner indicates a coordinated assault. These factors taken together *prime facie* justify the invocation of Section 109 of BNS. The fact that the co-accused has been found innocent during investigation does not exonerate the petitioners. The allegations against the petitioners are specific and consistent. The individual culpability of each accused is a matter to be assessed at trial.

10. The petitioners essentially seek reevaluation of evidence and factual disputes which is impermissible at this preliminary stage. In the

considered opinion of this Court, the Court below has applied its mind to the material produced and the order framing charges cannot be said to be perverse, arbitrary or illegal so as to warrant interference by this Court.

11. In view of the prevenient ratiocination, it is ordained thus:

- (i) The present petition is bereft of any merit and the same is hereby dismissed. The impugned order dated 28.07.2025 passed by the Court below framing charges against the petitioners is hereby upheld.
- (ii) Nothing said hereinabove shall be considered as an expression of opinion on the merits of the case.
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

November 26, 2025
Ajay

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