

**CRR-24-2025 (O&M)**

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRR-24-2025 (O&M)**
Reserved on : 13.01.2026
Decided on : 29.01.2026

Harsharanjit Singh

..... Petitioner

VERSUS

State of Punjab & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Dhirinder Chopra, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General Punjab.

Mr. Kanwaljeet Singh, Advocate for the respondent No.2.

SURYA PARTAP SINGH, J.

1. An application moved by the petitioner, who is facing a trial for the commission of offence punishable under Sections 307, 336, 323, 506, 34 of Indian Penal Code and Section 25 of Arms Act, vide FIR No.19 dated 21.01.2020, Police Station City Sangrur, has been dismissed by the learned Additional Sessions Judge Sangrur, hereinafter being referred to as 'trial Court' only, by virtue of order dated 22.11.2024.

2. Aggrieved of the abovementioned order dated 22.11.2024, hereinafter being referred to as 'impugned order', the present revision



petition has been preferred by the petitioner/accused, hereinafter being referred to as 'petitioner' only.

3. Briefly stating the facts emerging from record are that while facing trial for the commission of abovementioned offence, the petitioner approached the learned trial Court for discharging him, by filing an application under Section 227 of Code of Criminal Procedure. However, the abovementioned application has been dismissed. Hence, the present petition.

4. A perusal of record shows that the FIR, which led to prosecution of petition, came into being at the instance of 'Ashok Kumar', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he was working as a Clerk in the office of Municipal Council, Sangrur and that since 2017, he was on deputation as Clerk in Water Supply and Sewerage Board, Sangrur. According to complainant, on 21.01.2020 at about 12:30 pm, Harsharan Singh (petitioner herein) along with 2-3 unknown persons entered his office and questioned why the complainant was supporting Arjan Dev, a retired Superintendent. As per complainant, thereafter the petitioner and his associates hurled abuses in foul language qua the complainant and also threatened him to kill.

5. It was further stated by the complainant that in the ensuing quarrel, they all came out of the office, i.e. on the road, where President of Employees Union of Municipal Council and driver of the Municipal Council, namely Ramesh Kumar Bagri and Balkar, respectively, arrived. According to complainant, they all tried their best to convince the above-

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named assailants and his accomplices not to use such abusive language and that at that point of time, with an intention to kill him Harsharan Singh (petitioner) took out a pistol, aimed at the complainant, and fired a gunshot. As per complainant, on account of abovementioned gunshot, he suffered a pallet injury on his right feet, and Balkar Singh on left ankle. It was also stated by the complainant that thereafter the accomplices of Harsharan Singh also took out a revolver and one *daha* (knife), but due to intervention of other employees of office, the complainant was rescued and the petitioner along with his accomplices fled from the spot.

6. It is the case of prosecution that in view of abovementioned complaint, formal FIR of this case was lodged and the investigation taken up.

7. Heard.

8. It has been contended on behalf of petitioner that the petitioner is innocent, who has been falsely implicated in the present case by twisting the facts. According to learned counsel for the petitioner, several bills of the petitioner, who was working as Sub-Divisional Engineer [SD(E)], in Punjab Water Supply and Sewerage Board and posted in Sub-Divisional Barnala, were pending in the head office of Punjab Water Supply and Sewerage Board, situated at Division Sangrur, and that Arjan Dev, an employee in the abovementioned head office, was not clearing the abovementioned bills for want of illegal gratification. As per learned counsel for the petitioner, on 30.12.2019, the petitioner visited the Division office Sangrur and met Arjan

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Dev for clearing the bills, but Arjan Dev refused to clear the bills without gratification, and that he had brought this fact into the notice of his senior also, but the bills were not cleared. According to learned counsel for the petitioner, in the abovementioned circumstances the petitioner visited the office again on 21.01.2020, but on that occasion also illegal gratification was demanded by Arjan Dev, due to which a quarrel had taken place.

9. The learned counsel for the petitioner has alleged that in the abovementioned quarrel between Arjan Dev and the petitioner, Ramesh Kumar Bagri, Balkar Singh and Ashok Kumar armed with *daangs* (stick) and *sotas* (wooden handle) came to the office of Arjan Dev, surrounded the petitioner and forced him into a corner by using threatening and abusive language. The learned counsel for the petitioner has further alleged that in the abovementioned alarming situation, in order to save himself, from being injured by the above-named assailants and to deter them from inflicting any injury on the person of petitioner, the petitioner had fired a gunshot from his licensed .32 calibre pistol towards the ground. In view of above, it has been contended by learned counsel for the petitioner that if there would have been any intention on the part of petitioner to kill the complainant, the injury would have been caused on upper body part of the injured and not on the leg and ankle.

10. It has also been highlighted by learned counsel for the petitioner that in fact a false story has been cooked-up by the petitioner with regard to the fact that gunshot was fired by the petitioner with an intention



to kill the complainant. In this regard, the learned counsel for the petitioner has referred to the statement of complainant given to a Media person, the video footage of the same is available on record, wherein it was stated, by the complainant, that the gunshot was fired by the petitioner towards the ground and not towards the complainant.

11. In addition to above, the learned counsel for the petitioner has also argued that in the present case, even the medico-legal report shows that injury suffered by the complainant was the superficial reddish injury caused by blunt weapon, and that in fact, the abovementioned injury was suffered by the complainant and other injured with friendly hand.

12. The other point highlighted by learned counsel for the petitioner is that as per complainant, he and other injured persons had suffered injuries after being hit by a pallet. According to learned counsel for the petitioner, the cartridge of .32 bore revolver does not carry any pallet and thus, the story set-out by the complainant with regard to gunshot injury stands proved to be false on the face of it.

13. It has also been contended by learned counsel for the petitioner that in the present case, even during the course of investigation, it was found that there was no intention on the part of petitioner to kill the complainant. As per learned counsel for the petitioner, however the learned Judicial Magistrate during the course of investigation on the application of complainant, opined that Section 307 of IPC is made out in the present case, and therefore, the case was committed to the Court of Sessions, where the

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application moved by the petitioner under Section 227 of CrPC was dismissed by the learned trial Court, by virtue of impugned order.

14. In addition to above, learned counsel for the petitioner has also contended that the learned trial Court has committed an error of judgment when without considering all the facts and prevailing circumstances, merely in a mechanical manner, it dismissed the application moved by the petitioner under Section 227 of CrPC. As per learned counsel for the petitioner, the abovementioned order is based on conjectures and surmises, and needs interference and indulgence of revisional jurisdiction of this Court.

15. The abovementioned arguments have been controverted by the learned State Counsel, being assisted by learned counsel for the respondent No.2. It has been contended by learned State Counsel that at the stage of framing of charge, the trial Court is supposed to look into the *prima facie* case only. According to learned State Counsel in the present case, the learned trial Court on the basis of material available on record has observed that a *prima facie* case for the commission of offence punishable under Sections 307, 336, 323, 506, 34 of IPC and Section 25 of Arms Act, is made out against the petitioner, and that there is no illegality or infirmity in the abovementioned order. While defending the impugned order, the learned State Counsel has contended that there is no merit in the present petition, and therefore, the same deserves dismissal.

16. The record has been perused carefully.



17. In the present case, at the very outset it is pertinent to mention here that challenge by the petitioner is to an order, whereby the petitioner had sought his discharge by invoking Section 227 of CrPC. In the present case, if the factual matrix is considered in its entirety, it comes on surface that there is one version, wherein the complainant is alleging that the petitioner had visited his office along with his associates, and that he picked-up a quarrel with the complainant on the pretext of helping a retired Superintendent Arjan Dev.

18. In his statement before the police, there is very specific and categorical allegations by the complainant that not only the threatening and abusive language was used by the petitioner and his assailants, but also with an intention to kill, a gunshot was fired, aiming the complainant.

19. On the other hand, the stand of the petitioner is that in fact when he went to the office of Arjan Dev for clearance of bills, the complainant and his two accomplices, namely Ramesh Kumar Bagri and Balkar Singh, armed with various weapons, arrived there and while using the abusive language, they intimidated the petitioner. According to petitioner, the act and conduct of the complainant and his accomplices was such that he sensed an imminent danger of being harmed and therefore, in order to save himself from being harmed, by the complainant and his accomplices, and to deter them he fired a gunshot towards the ground.

20. It has also been claimed by the petitioner that the injuries recorded in the medico-legal report are self-suffered injuries, and that there



is delay in medico-legal examination of the complainant. It has also been claimed that the injuries recorded in the MLR do not correspond with the weapon of offence.

21. If the abovementioned two rival projections are taken into consideration, it comes on surface that there are allegations and counter-allegations of both the parties. There is one story, which has been projected by the complainant for which the petitioner is being prosecuted, and the second one is the counter-story, projected by the petitioner, wherein he is claiming himself to be a victim. In order to ascertain, which of the two stories is true, the only course available to a Court of law is to conduct trial, record evidence of both the parties, and then reach to a conclusion. At this stage, when there are oral averments from both sides, this conclusion cannot be drawn that the allegations levelled by the complainant are false, and the plea taken by the petitioner is true.

22. It is also relevant factor to be taken into consideration that although the petitioner has alleged that he had come under attack and that's why he fired gunshot in his self-defence, but with regard to action of the complainant and his accomplices, who had threatened the petitioner, except moving representation to various authorities, no complaint has been filed by the petitioner.

23. Taking into consideration the overall scenario, it is hereby held that in the present case, intricate questions of facts are involved, and such complicated questions cannot be determined unless a full-fledged trial is



conducted. At present, on record there is a statement of complainant implicating the petitioner and in support thereof, there are statement of witnesses, recorded by the police under Section 161 CrPC, and also the medico-legal report. Thus, it is hereby held that at this stage, no error of judgment has been committed by the learned trial Court while holding that a *prima facie* case for the commission of offence punishable under Sections 307, 336, 323, 506, 34 IPC and Section 25 of Arms Act, is made out against the petitioner.

24. In view of abovementioned observations, it is hereby held that while dismissing the application filed by the petitioner under Section 227 of CrPC for discharging of petitioner, no error of judgment has been committed by the learned trial Court, and that the present petition has no merit and deserves dismissal.

25. As a sequel to abovementioned observations, the present petition is hereby *dismissed*, accordingly.

26. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

29.01.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No