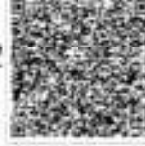


2026.PHHC.046282



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

SR. NO.102

CRR-84-2022 (O&M)

DATE OF DECISION:11.03.2026

MAHESH AND ANOTHER

...PETITIONER(S)

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present: Mr. Baljeet Beniwal, Advocate
for the petitioners.

Mr. Rajinder Kumar Banku, Sr. DAG, Haryana.

Mr. Anmol Partap Singh Mann, Advocate
for respondent No.2.

N.S. SHEKHAWAT, J.

1. The petitioners have filed the present revision petition against the order dated 11.11.2021 passed by the Sessions Judge, Palwal, whereby the charges under Sections 307/506/34 IPC and Section 25 of the Arms Act were framed against the petitioners.

2. The present case was registered on the basis of the statement made by Gaurav son of Bharat Lal and the same has been reproduced below:-

“...I , Gaurav son of Bharat Lal, permanent resident of Bhiduki,
Tehsil Hodal, District Palwal. That on 26.01.2017 at around

9.45 am, went to the shop in the village itself to get the crop medicine. Mahesh and Ramesh son's of Rewati (brothers) on seeing me fired at me with illegal weapon, which passed by nearby to my ear. As soon as I started running, both the brothers fired in the air and said that if you meet us anywhere in the future then we will kill you. And no one can do anything of us. Therefore, it is requested to you that strict action should be taken against the above named accused and do justice to me....”

3. Learned counsel for the petitioners argued that after investigation, the police had filed a report under section 173 Cr.P.C. for the offences punishable under Sections 285, 506 and 34 IPC and Section 25 of the Arms Act. However, during the course of trial, complainant, namely, Gaurav was examined as PW-2. Thereafter, the complainant moved an application under Section 216 Cr.P.C. for adding the charge under Section 307 IPC and the Judicial Magistrate 1st Class, Hodel, committed the case to the Court of Sessions vide order dated 08.09.2021 (Annexure P-5). The petitioners filed a revision petition before the Court of Sessions Judge, Palwal, however vide judgment dated 11.11.2021 (Annexure P-6), the Sessions Judge, Palwal, dismissed the revision filed by the petitioners and it was held that a *prime facie case* under Section 307 IPC was also made out against the petitioners. It requires mentioned that the said order (Annexure P-6) was never challenged by the petitioners. Later on vide the impugned order, the Court of Sessions Judge, Palwal held that a *prime facie case* for commission of offences punishable under Sections 307, 506 and 34 IPC and Section 25 of the Arms act was made out against the petitioners and they were ordered to be charge sheeted accordingly.

4. Learned counsel for the petitioners has next contended that the ingredients of the offence under Section 307 IPC were not fulfilled to connect the accused/petitioners with the commission of crime. Even no injury was suffered by anyone and it was inappropriate to frame charge under Section 307 IPC.

5. On the other hand, learned counsel for the State submitted that the petitioners had fired at the complainant, however the bullet had just passed by him and only due to his good luck, the complainant was saved. He further submitted that even if there is no injury caused by the firearm, still the petitioners had the intention to cause the murder of Gaurav and the ingredients of the offence under Section 307 IPC were attracted in the peculiar facts of the case.

6. Hon'ble the Supreme Court in ***Surinder Singh Vs State (UT of Chandigarh), 2021 (20) SCC 24*** had discussed the ingredients of the offence under Section 307 and held as follows:-

“18. Before we advert to the factual matrix or gauge the trustworthiness of the witnesses, it will be beneficial to brace ourselves of the case-law qua the essential conditions, requisite for bringing home a conviction under Section 307 IPC. In State of Madhya Pradesh v. Saleem @ Chamaru & Anr., (2005) 5 SCC 554, this Court, while re-appreciating the true import of Section 307 IPC held as follows:

"12. To justify a conviction under this section, it is not essential that bodily injury capable of causing death should have been inflicted. Although the nature of injury actually caused may often give considerable assistance in coming to a finding as to the intention of the accused, such intention may also be deduced from other circumstances, and may even, in some cases, be

ascertained without any reference at all to actual wounds. The section makes a distinction between an act of the accused and its result:, f any. Such an act may not be attended by any result so far as the person assaulted is concerned., but still there may be cases in which the culprit would be liable under this section. It is not necessary that the injury actually caused to the victim of the assault should be sufficient under ordinary circumstances to cause the death of the person assaulted.. What the court has to see is whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the section. An attempt in order to be criminal need not be the penultimate act. It is sufficient in law, if there is present an intent coupled with some overt act in execution thereof.

3. It is sufficient to justify a conviction under Section 307 if there is present an intent coupled with some overt act in execution thereof. It is not essential that bodily injury capable of causing death should have been inflicted. The section makes a distinction between the act of the accused and its result, if any. The court has to see whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the section. Therefore, an accused charged under Section 307 IPC cannot be acquitted merely because the injuries inflicted on the victim were in the nature of a simple hurt." (Emphasis Applied)

*19. These very ingredients have been accentuated in some of the later decisions, including in **State of M.P. v. Kashiram & Ors., (2009) 4 SCC 26, Jage Ram & Ors. v. State of Haryana, (2015) 11 SCC 366 and State of M.P. v. Kanha @ Om Prakash, (2019) 3 SCC 605.**"*

7. Now, I proceed to examine the facts of the present case in the light of the principles laid down by Hon'ble the Supreme Court in the above-said judgment and I have no hesitation to hold that in the present case, prima facie a case under Section 307 IPC was made out against the present petitioners. It is not necessary that the hurt caused should be grievous or dangerous to life to attract the offence under Section 307 IPC. Even if there is no injury on the person of injured and there was intention or knowledge to cause death, then in such cases also, charge can be framed under Section 307 IPC. In the present case also, both the petitioners had fired from their illicit weapon on Gaurav with an intention to kill him and the bullet had just passed by the complainant of the present case. Thus, the trial Court has correctly held that a *prime case* for commission of the offences punishable under Sections 307, 506 and 34 IPC was made out against the both the accused/petitioners and the offence under Section 25 of the Arms act was made out against petitioner No.1-Mahesh only.

8. In view of aforesaid discussion, the present revision petition is hereby dismissed, being devoid of any merits. Pending application(s), if any, shall also stand disposed off.

11.03.2026
mks

(N.S.SHEKHAWAT)
JUDGE

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