

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-715-2023

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
15.05.2026	29.05.2026	FULL PRONOUNCED	29.05.2026

Krishan Kaushik.....Petitioner

Vs.

State of Haryana.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.D.S. Sukhija, Sr. Advocate with
Mr. Sukhdeep Singh, Advocate and
Mr. Karanveer Singh, Advocate
for the petitioner.

Mr. Shiva Khurmi, DAG, Haryana.

FIR No.	Dated	Police Station	Sections
212	2021	Furrukh Nagar	288, 304(II) & 34 IPC

1. Aggrieved by the framing of charges, the accused has come up before this court by filing the present Criminal Revision Petition.
2. I have heard counsel for the petitioner and State and gone through the pleadings and its analysis would lead to the following outcome.
3. It shall be appropriate to refer to the FIR, which has been annexed as Annexure P1.
4. On July 19, 2021 an information was made to SHO Police Station Furrukh Nagar by one Vijay Kumar and he informed the police that he was working for last four years at DELEX company in an Executive warehouse of the said company, which is situated in village Khwaspur in Gurugram. The online shopping goods were delivered to different places from this warehouse and this warehouse compound had a three storey building wherein 20-22 employees used to stay, however the condition of the building was in a dilapidated state. The Manager Krishnan Kumar Kaushik (petitioner herein) and owner Ravinder Katiyar were informed about the poor condition of the building and were cautioned that it may fall. The requests were also made to get the employees shifted to another building. The complainant

alleged that Ravinder and Kishan Kumar Kaushik (petitioner) had assured them not to get panic and nothing was going to happen with the building. Repeated complaints about poor condition of the building were made by employees to get it repaired, however jacks were placed there. The complainant informed that on July 18, 2021 at 7 o'clock, when he and his friend were sleeping, then all of a sudden they heard loud crashing sound. On coming out they noticed that the building had collapsed and due to which 4-5 persons got trapped under the debris. Later on they noticed one Robin had died and rescue of others was still on. The informant complained that incident had happened because various complaints made by them about the condition of the building to Krishnan Kumar and owner Ravinder Katiyar but they do not pay any heed to the complaints. Based on this information, the police registered the FIR captioned above.

5. Mr. A.D.S. Sukhija, learned Senior Advocate has referred to Annexure P-4 which is a report of a committee constituted by SDM, Pataudi, for conducting inquiry regarding collapse of the warehouse. The committee took samples of materials along with the members and the samples were sealed and sent for quality control tests. On receipt of the test results, the report was annexed as Annexure A. However, Annexure A is not attached with the present petition. Further the test results of steel received from Micro Engineering Testing Laboratory, Sonipat, was also annexed as Annexure B, which is also not attached with the present petition. It is mentioned that the test results of materials show that the bricks used in the construction were 2nd class quality; the cement motor ratio is 1:7.05 and cement concrete (used in RCC work) ratio was 1:2.88:L6.45, which was not satisfactory and below the prescribed specifications. The committee also stated that on visual inspection and based on test results of material it seemed that building was not constructed with proper structural design and specifications and further the material used in the building was not up to the mark and there were chances of poor workmanship in construction work. The petitioner has attached a copy of lease agreement as Annexure P-2 and as per this agreement Ravinder Kataria was the owner of the building and was as a lessor and the agreement was between Ravinder Kataria and M/s DelEx Cargo India Private Limited. The agreement was entered into between these parties through authorized officers. The photocopy of the lease agreement does not contain signatures on behalf of M/s DelEx Cargo India Private Limited but it has signatures on the above name Ravinder Kataria.

6. The Petitioner's counsel has also referred to an article in Annexure P-5, as per which lightning had struck to the three storey building, which led to death of two persons and learned counsel submits that the cause of accident was lightning and not substandard material. However, the report of the committee is contrary to such allegations and there is no reference to any traces of impact of lightning like blackening of bricks or any construction material. Mr. Sukhija's submission is that present petitioner was a Manager of the company and he was neither under any obligation nor had the capacity to repair the building. He

submits that there is no evidence on record that petitioners of the company had asked its employees to stay in the building in question and there is no agreement with the owner of the building in this regard. A perusal of the reading of the paragraph 7 of the petition mentions about the statement, in which it is explicitly mentioned there is nothing on record to show that either the petitioner or the company had asked any of its employees to stay in the building in question.

7. In a nutshell, in this case the employees were staying in the building on their own in the absence of any agreement. To arrive at any conclusion on this, it is important to go through the entire police report filed under Section 173 CrPC. The petition does not refer to any such report. In fact selective statements have been attached, as already mentioned above in the report of the committee, referred to above Annexures A & B are also not attached and no reasons have been mentioned as to why these annexures were not annexed with the petition.

8. The State has filed its response through the Assistant Commissioner of Police, Pataudi, Gurugram. It shall be appropriate to refer to paragraph number 13 of the reply which reads as follows:-

“13. That as per the investigation conducted in the matter, the premises had been leased out to the company initially in terms of lease deed dated 05.06.2020 and thereafter a fresh deed dated 28.05.2021 had been executed. The entire premises detailed in the deed, as apparent from the Schedule I of the deed had been leased out in favour of the company.”

9. Thus, a perusal of paragraph 13 of the reply points out that the investigation revealed that the premises were leased out to the company initially in terms of leased deed dated June 5, 2020 and after that a fresh lease deed was executed. Thus, the stand taken by the petitioner is contradicted by the investigation.

10. Be that as it may, for this court to have stated that the charges were beyond the evidence or no prima facie case was made out against the petitioner because he was just a manager. It was incumbent upon the petitioner to demonstrate the same by at least annexing the entire police report under Section 173 CrPC, which has not been done. Once the petitioner approaches this Court by challenging the charges, it is not the responsibility of the State to annex the police report but it is the responsibility of the accused to annex the same. If the accused had not received the copy of the police report under Section 207 CrPC, this would have been a ground to remand the matter, but it is not the case and no such stand has been taken, rather selective documents have been attached.

11. Given above, it is not possible for this Court to state that whether the charges framed against the petitioner are beyond the evidence or contrary to the investigation conducted in this case. Consequently, the present petition is dismissed. Interim orders are recalled. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

May 29, 2026
Anju rani

Whether speaking/reasoned	YES
Whether reportable	NO