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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(125)**

**CRR-904-2026 (O & M)
Date of decision: 28.04.2026**

Ajeet Jakhad @ Ajeet Singh and ors.

..... Petitioners

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Samay Singh Sandhawalia, Advocate,
for the petitioner.

JASJIT SINGH BEDI, J. (Oral)

The present petition has been filed against the order dated 07.02.2026 whereby charges have been framed under Section 307 IPC (Section 109 BNS) against the petitioners.

2. The brief facts of the case are that one Chanchal wife of Ashok Lamba got registered an FIR No.375 dated 12.06.2024 under Sections 148, 149, 323, 341, 427, 307 and 506 IPC, Police Station Mujesar, Faridabad and the same reads as under:-

To Learned SHO PS Mujesar Sir, It is respectfully submitted that I am Chanchal W/o Ashok Lamba R/o Mujesar and around 600 square yards of land was jointly owned by me and my husband. In this regard a complaint dated 09.06.2024 was submitted. In this regard I along with my husband and Ajeet Jakhar S/o Shishram, Binnu S/o Rohtash, Prince S/o Ajeet, Amit S/o Jagdish, Prakash Kaur W/o Balvinder Singh Kalsi were going towards police station for the compromise. Then the above persons after conniving with each other came there on

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two Fortuner cars, number of one was HR29A 91008, one scorpio and other car and 4 motor cycles and in each vehicle two persons were sitting, with an intent to kill us, they repeatedly hit our car and we somehow got saved. I along with my children were on one car WAGON-R (HR51CC 0934) and in other car CRETA (HR 87L 4958) in which my husband Ashok Lamba and my nephew Suraj and Kapil were there. When we somehow saved ourselves and reached the police station then the above persons hit us in the police station with an intent to kill us and ran away from the spot while firing. I somehow saved my life and have come to the police station to submit my complaint. Strictest action be taken against the accused. Our life is in danger. All these persons were armed with sticks. They have tried to kill us by continuously hitting our vehicle repeatedly. Sd/-Chanchal ENG 9268317095 11.06.2024.

Police Proceeding:

Yesterday i.e. 11.06.2024 at 11 PM at night, the above Complainant along with her husband Ashok Lamba and their children and others left from police station on Creta car, then when they reached approx 300 meters away near Dabri road then two Fortuner and one Scorpio stopped the Creta and Wagon-R and hit them from the side and tried to hit them with sticks. Then Complainant along with his two cars reached PS Mujesar. Then again the car Fortuner again hit the Creta with an intent to kill them. As all were armed with sticks and ran to hit them and from the complaint offence u/s 148, 149, 323, 341, 307, 427, 506 IPC are made out and the same is being given to the police station. The case be registered and the number be intimated. During the incident Chanchal W/o Ashok, Suraj S/o Rohtash, Kapil S/o Rohrash R/o village Mujesar have received injuries. I SI have forwarded the complaint and is investigating.

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Today at PS Mujesar. Sd/-VED PRAKASH SI ENG PS Mujesar.

Dated 12.06.2024. At 12:35 AM

3. On conclusion of the investigation, the report under Section 173(2) Cr.P.C. (193(2) BNSS) was submitted after which charges came to be framed under Sections 148, 307, 323, 341, 427, 506 all read with Section 149 IPC vide order dated 07.02.2026 passed by the Additional Sessions Judge-I, Faridabad.

4. It is this order which is under challenge in the present petition.

5. The learned counsel for the petitioners contends that the charges have been erroneously framed under Section 307 IPC. Only simple injuries have been received by the complainant party and charges ought to have framed under Sections 323 and 279 IPC at best. In fact, petitioner No.1-Ajeet Jakhad @ Ajeet Singh has received serious injuries. Petitioner Nos.1 and 3, namely, Ajeet Jakhad @ Ajeet Singh and Vinod @ Binnu were, in any case, not driving the offending vehicle so no offence under Section 307 IPC is made out qua them and only the driver-Prince Jakhar, petitioner No.2 can be liable, if at all. He, thus, contends that the impugned order dated 07.02.2026 be set aside to the extent that the petitioners ought to be discharged for having committed the offence under Section 307 IPC.

6. I have heard the learned counsel for the petitioners.

7. Before proceeding further, it would be apposite to examine certain judgments of the Hon'ble Supreme Court as regards framing of charges and the same are reproduced as under:-

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In '*State of NCT of Delhi versus Shiv Charan Bansal & Ors. with another connected appeal, 2020(2) SCC 290*', the Hon'ble Supreme Court held as under:-

32. FINDINGS AND ANALYSIS

At the stage of framing charges under S.227 and S. 228 Cr.P.C, the Court is required to consider whether there was sufficient material on record to frame charges against Shiv Charan Bansal, Shailendra Singh, Lalit Mann and Rajbir Singh. The prosecution alleged that the offences u/S. 120B, S.302 r.w. S.120B/34, S. 201 IPC and S. 25 of the Arms Act ought to have been framed.

I. Scope of section 227 and 228 of the Cr.P.C., 1973

The Court while considering the question of framing charges under section 227 of the Cr.P.C., 1973 has the power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case has been made out against the accused. The test to determine prima facie case would depend upon the facts of each case.

If the material placed before the court discloses grave suspicion against the accused, which has not been properly explained, the court will be fully justified in framing charges and proceeding with the trial. The probative value of the evidence brought on record cannot be gone into at the stage of framing charges. The Court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the ingredients constituting the alleged offence.

At this stage, there cannot be a roving enquiry into the pros and cons of the matter, the evidence is not to be weighed as if a trial is being conducted.

Reliance is placed on the Judgment of this Court in *State of Bihar v. Ramesh Singh*, (1977) 4 SCC 39 where it has been held that at the stage of framing charges under sections 227 or 228 of the Cr.P.C., 1973 if there is a strong suspicion which leads the Court to think that there

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is ground for presuming that the accused had committed the offence, then the Court should proceed with the trial.

In a recent Judgment delivered in *Dipakbhai Jagdishchandra Patel v. State of Gujarat and Another*, 2019 SCC Online SC 588 in Crl. Appeal No. 714 of 2019 decided on 24.04.2019, this Court has laid down the law relating to framing of charges and discharge, and held that all that is required is that the court must be satisfied with the material available, that a case is made out for the accused to stand trial. A strong suspicion is sufficient for framing charges, which must be founded on some material. The material must be such which can be translated into evidence at the stage of trial. The veracity and effect of the evidence which the prosecutor proposes to adduce are not to be meticulously judged at this stage, nor is any weight to be attached to the probable defence of the accused at the stage of framing charges. The court is not to consider whether there is sufficient ground for conviction of the accused, or whether the trial is sure to end in the conviction.

In '*Mauvin Godinho versus State of Goa with other connected appeals, 2018(3) RCR(Criminal) 385*', the Hon'ble Supreme Court held as under:-

12. At the outset it would be pertinent to note the law concerning the framing of charges and the standard which courts must apply while framing charges. It is well settled that a court while framing charges under section 227 of the Code of Criminal Procedure, 1973 should apply the prima facie standard. Although the application of this standard depends on facts and circumstance in each case, a prima facie case against the accused is said to be made out when the probative value of the evidence on all the essential elements in the charge taken as a whole is such that it is sufficient to induce the court to believe in the existence of the facts pertaining to such essential elements or to consider its existence so probable that a prudent man ought to act upon the supposition that those facts existed

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or did happen. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial. [Refer Sajjan Kumar v. CBI, 2010(4) RCR (Criminal) 382 : 2010(5) Recent Apex Judgments (R.A.J.) 350 : (2010) 9 SCC 368; State v. A. Arun Kumar, 2015(1) RCR (Criminal) 295 : 2015(1) Recent Apex Judgments (R.A.J.) 38 : (2015) 2 SCC 417; State by the Inspector of Police, Chennai v. S. Selvi and Ors., 2018(1) RCR (Criminal) 625 : (2018) 1 SCALE 5.]

In '**Sanghi Brothers (Indore) Pvt. Ltd. versus Sanjay Choudhary and ors. 2008(4) RCR(Criminal) 640**', the Hon'ble Supreme Court held as under:-

10. After analyzing the terminology used in the three pairs of sections it was held that despite the differences there is no scope for doubt that at the stage at which the court is required to consider the question of framing of charge, the test of a prima facie case to be applied.

11. The present case is not one where the High Court ought to have interfered with the order of framing the charge. As rightly submitted by learned counsel for the appellant, even if there is a strong suspicion about the commission of offence and the involvement of the accused, it is sufficient for the court to frame a charge. At that stage, there is no necessity of formulating the opinion about the prospect of conviction. That being so, the impugned order of the High Court cannot be sustained and is set aside. The appeal is allowed.

In '**State of Bihar versus Ramesh Singh 1977 AIR Supreme Court 2018**', the Hon'ble Supreme Court held as under:-



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4. Under Section 226 of the Code while opening the case for the prosecution the prosecutor has got to describe the charge against the accused and state by what evidence he proposes to prove the guilt of the accused. Thereafter comes at the initial stage the duty of the Court to consider the record of the case and the documents submitted therewith and to hear the submissions of the accused and the prosecution in that behalf. The Judge has to pass thereafter an order either under Section 227 or Section 228 of the Code. If "the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing", so enjoined by Section 227. If, on the other hand, "the Judge is of opinion that there is ground for presuming that the accused has committed an offence which.

.....

(b) in exclusively triable by the Court, he shall frame in writing a charge against the accused", as provided in Section 228. Reading the two provisions together in juxtaposition, as they have got to be, it would be clear that at the beginning and the initial stage of the trial the truth, veracity and effect of the evidence which the Prosecutor proposes to adduce are not to be meticulously judged. Nor is any weight to be attached to the probable defence of the accused. It is not obligatory for the Judge at that stage of the trial to consider in any detail and weigh in a sensitive balance whether the facts, if proved, would be incompatible with the innocence of the accused or not. The standard of test and judgment which is to be finally applied before recording a finding regarding the guilt or otherwise of the accused is not exactly to be applied at the stage of deciding the matter under Section 227 or Section 228 of the Code. At that stage the Court is not to see whether there is sufficient ground for conviction of the accused or whether the trial is sure to end in his conviction. Strong suspicion against the accused, if the matter remains in the region of suspicion, cannot take the place of proof of his guilt at the conclusion of the trial. But at the initial stage if there is a strong suspicion which leads the Court to think that there



is ground for presuming that the accused has committed an offence then it is not open to the Court to say that there is no sufficient ground for proceeding against the accused. The presumption of the guilt of the accused which is to be drawn at the initial stage is not in the sense of the law governing the trial of criminal cases in France where the accused is presumed to be guilty unless the contrary is proved. But it is only for the purpose of deciding *prima facie* whether the Court should proceed with the trial or not. If the evidence which the Prosecutor proposes to adduce to prove the guilt of the accused even if fully accepted before it is challenged in cross-examination or rebutted by the defence evidence, if any, cannot show that the accused committed the offence, then there will be no sufficient ground for proceeding with the trial. An exhaustive list of the circumstances to indicate as to what will lead to one conclusion or the other is neither possible nor advisable. We may just illustrate the difference of the law by one more example. If the scales of pan as to the guilt or innocence of the accused are something like even at the conclusion of the trial, then, on the theory of benefit of doubt the case is to end in his acquittal. But if, on the other hand, it is so at the initial stage of making an order under Section 227 or Section 228, then in such a situation ordinarily and generally the order which will have to be made will be one under Section 228 and not under Section 227.

8. A perusal of the aforementioned judgments would reveal that *prima facie* evidence and strong suspicion is sufficient to frame charges.

9. As to whether there must be injuries that have been declared to be dangerous to life to frame charges under Section 307 IPC, the Hon'ble Supreme Court and this Court have held as under:-

In '***Vaneet Mahajan versus State of Punjab and Ors. 2017***

AIR Supreme Court 2939', the Hon'ble Supreme Court held as under:-

10. *Having regard to the aforesaid statement of the persons recorded under Section 161 Cr.P.C. and the medical report, we fail to understand as to how the High Court could come to the*



conclusion, at the stage of framing of the charge itself, that guilty intention of the accused persons was conspicuously missing. This Court in 'Anjani Kumar Chaudhary v. State of Bihar and Another' [2014 (12) SCC 286] has categorically held that in order to attract the provisions of Section 307 I.P.C., injury need not be on fatal part of the body. It is further held that when several persons attacked unarmed persons with deadly weapons, it is reasonable to presume that they had knowledge or intention that such attack would result in death.

11. Further the question as to whether there was an intention to kill or knowledge that death will be caused is a question of fact and would depend on the facts of a given case which has to be attributed on evidence by the Trial Court. We would like to reproduce paragraphs 15 and 16 of the judgment incorporating the aforesaid principles:

"15. The relative portion of the statement of FIR witness Gautam Chaudhary reads as follows:

"...Soon after, Sunil Sahni along with Ramesh Sahni, Deepak Sahni, Mohan Sahni and Buchchu Sahni after variously armed with farsa, talwar, iron rod, lathi, paipa (small size of lathi) came there and Sunil Sahni soon after his arrival told "aaj wakilwa ko sabak sikha dena hai" (today we have to teach a lesson to the advocate) "sala paisa nahi diya hai" stating this he having armed with farsa, gave farsa-blow with intent to kill him over his head to which the informant wanted to save him but the said farsa-blow inflicted near his right ear and Mohan Sahni gave talwar-blow over the throat of the informant which resulted in injury over his throat and the informant fell down and even then Deepak Sahni having iron rod in his hand assaulted the informant with iron rod which inflicted injury over the left wrist of the informant and the other accused persons Ramesh Sahni, Dinesh Sahni and Shunbhu Sahni assaulted with lathi, feet, slaps in the meantime. Asbari Sahni, Laxmi Sahni, Santosh Sahni, Jagdish Sahni and four to five unknown persons came there and abused the informant with intent to provoke

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breach of the peace and they stated to teach lessons to the advocate who is partaking much."

16. The statements of the witnesses Baiju and Manoj Chaudhary are also in the same lines. What is discernible from the above statements is that the first accused and others, while committing the alleged offence, had exhorted that they would kill the appellant if the money was not paid. Open announcement by the accused and others that the appellant would not be alive to practise in the High Court, would prima facie indicate that the intention of the accused was, what he had spoken, followed by the infliction of injuries. Further, when several persons attack an unarmed person with deadly weapons, it is reasonable to presume that they had knowledge or intention that such an attack would result in death. In the instant case, as per the statements, the weapons used were lathi, rod, farsa, talwar, etc., and when we look at the nature of the injuries, it is clear that the injuries were caused by using sharp-cutting weapons and also with hard blunt substance. Injuries were inflicted on the right temporal region of scalp at the base of the right ear, right side of occipital region of scalp, left side of occipital region of scalp, etc. Open declaration by the accused that a person would be killed, indicates his intention and, as held by this Court in *Vasant Vithu Jadhav v. State of Maharashtra*, the question as to whether there was an intention to kill or knowledge that death will be caused is a question of fact and would depend on the facts of a given case which has to be attributed on evidence by the trial court. The above facts would indicate that the ingredients of Section 307 I.P.C. are made out."

In '*Preet Yadav versus State of Haryana and another* (CRR

No.1154 of 2021 decided on 07.10.2021', this Court held as under:-

4. At the time of considering for framing of charge, the learned Sessions Judge passed the impugned order whereby it was ordered for framing of charges against the petitioner under Sections 279, 336, 323, 325, 307, 201 of the Indian Penal Code, 1860 and section 181 of the Motor Vehicles Act, 1988 and

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under Section 506 of the Indian Penal Code, 1860 against the co-accused Ravinder Yadav.

5. The learned Sessions Judge noted that there are very specific and categorical allegations of rash and negligent driving of Fortuner car by the petitioner-Preet Yadav and the second part of the event goes to show that a deliberate act was committed by the petitioner, who by deliberately hitting the motorcycle of the complainant inflicted simple as well as grievous injuries on the complainant and his wife and as per learned Public Prosecutor during subsequent part of the event, the injuries were caused by the petitioner with an intention to kill the complainant and his wife and in the above mentioned event the injury caused by the petitioner on the person of wife of the complainant was dangerous to life. The learned Sessions Judge observed that the facts of the instant case are very peculiar in nature and it transpires that the accident had taken place in two parts. The first part was when an accident had taken place between the motorcycle of the complainant and Fortuner car of the accused and the said act was allegedly due to rash and negligent driving of the accused and prima facie amounted to the offences punishable under Sections 279, 336 IPC. If the action of the accused would have come to an end immediately after the above mentioned accident, there would not have been any other offence involved in the instant case. However, the second part which immediately followed the first action of the petitioner is that, that the petitioner reversed his car and hit the motorcycle of the complainant. This was definitely a deliberate act committed by the petitioner probably with an intention to teach a lesson to the complainant and his wife and for this deliberate act the nature of injury and the intentions of petitioner are going to be determining factor. The learned



Sessions Judge further observed that prima facie it also constitutes an offence under Section 307 IPC on the basis of sequence of events, which has transpired that an act of reversing the car and hitting the motorcycle of the complainant was nothing but an attempt by the petitioner to kill the complainant, and while doing the above mentioned act the petitioner must be aware of the fact that his above mentioned act might have caused the death of a human being i.e. either of the complainant or his wife or of both. The learned Sessions Judge further observed that taking a holistic view of all the events which had taken place at the time of commission of offence, an offence under Section 307 IPC was prima facie made out. The learned Sessions Judge also observed that in the instant case as per the contents of report under Section 173(2) Cr.P.C and supporting evidence, the petitioner with an intention to destroy the evidence, which could have established his involvement in the commission of crime, got his car repaired in a hasty manner and, therefore, it amounted to an offence punishable under Section 201 IPC.

6. The learned counsel for the petitioner has submitted that the order passed by the learned Sessions Judge is perverse and background of the entire case was not considered by the learned Sessions Judge. He submitted that in fact the present case was planted upon the petitioner and his father, who had an enmity with the police officials. He further submitted that the father of the petitioner namely Ravinder Yadav, who is also a co-accused in the present case retired from Delhi Police and he is known to be a RTI Activist and he pleads public cause. He has also exposed various misdeeds of the public authorities and he alongwith one other activist Sh. Harinder Dhingra had come across the statement of some immovable property of one IPS



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Officer who was posted at Commissioner of Police, Gurugram to the effect that the said officer had assets acquired beyond his known sources of income. The said Sh. Harinder Dhingra arranged a Press Conference on 13.04.2020 and the father of the petitioner had also joined the said Press Conference. In this way, the petitioner and his father have been targeted by the police and the present case has been planted against the petitioner and his father. He further submitted that father of the petitioner was also arrested earlier at the instance of the aforesaid Commissioner under Sections 107/151 Cr.P.C and thereafter, he was ordered to be released on 24.04.2021 and strict conditions were imposed for his release. In nutshell, the learned counsel for the petitioner has submitted that due to malafide of the police, the petitioner and his father have been falsely implicated in the present case. The learned counsel for the petitioner has also relied upon two judgments of this Court in 'Ashu Gautam @ Bittu and another v. State of Punjab', [CRA-S-3955-SB-2014] and 'Gobind Gulati @ Gopi and others v. State of Haryana and another', [CRM- M-44268-2014] to contend that the charge framed under Section 307 IPC is not sustainable and the same is liable to be quashed on the basis of facts and circumstances of the case.

7. I have heard the learned counsel for the petitioner.

8. A perusal of the FIR dated 29.04.2021 would show that it has been specifically stated by the complainant that when the Fortuner car which was being driven by the petitioner earlier touched the motorcycle of the complainant and his wife, then after the said incident, the driver of the Fortuner car again drove back his car and with an intention to kill them, it hit their motorcycle and consequently, the wife of the complainant was seriously injured. Even the complaint which was given to the

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SHO, Police Station Bhondsi, Gurugram by the wife of the complainant also shows that the Fortuner car driver brought his car turned around and hit their motorcycle with an intention to kill. The statement of the complainant under Section 164 Cr.P.C which has been attached alongwith the paper-book also shows that it was stated by the complainant that SUV hit deliberately because they had shouted on driver when it came out from their side and furthermore, it was stated by the complainant that they (accused) are very powerful people and he wants the safety of himself and his family members.

9. The arguments raised by the learned counsel for the petitioner that it was a result of malafide on the part of the police authorities that the present FIR was lodged against the petitioner cannot become a ground for quashing of the impugned order passed by the learned Sessions Judge. Firstly, the entire allegations are against the Commissioner of Police who is not a party in the present case. Secondly, the arguments raised by the learned counsel for the petitioner is a matter of evidence which is to be led at the time of trial. It is a settled law that at the stage of framing of charges the Court only has to see as to whether there is any ground for proceeding against the accused or not and even the Court is not required to record any reason as to why such charge is being framed. Furthermore, the judgments relied upon by the learned counsel for the petitioner do not have any bearing on the present case.

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12. The learned Sessions Judge has ordered for framing of charges against the petitioner on the basis of the facts and circumstances of the present case wherein the allegations were that the Fortuner car which was being driven by the petitioner had touched the motorcycle of the complainant and when the



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complainant protested against the same, he reversed the Fortuner car and again hit the motorcycle which caused serious injuries on the wife of the complainant and other injuries to the complainant. The allegations of malafide against the Commissioner of Police are not to be required to be taken into consideration at the time of framing of charge nor the same are reflected in the orders passed by learned Sessions Judge and, therefore, these allegations appear to have been raised for the first time in the present revision petition. At the time of framing of charge, the Court has to see whether there is any ground for proceeding against the accused or not. The learned Sessions Judge has directed for the framing of charge on the basis of the material available on record so far as the present case is concerned. Therefore, this Court does not find any perversity or illegality in the order passed by the learned Sessions Judge, Gurugram.

10. A perusal of the aforementioned judgments would show that for framing of charges under Section 307 IPC, it is not necessary that there must be injuries inflicted which are dangerous to life. The intention to inflict such injuries is sufficient to frame charges under Section 307 IPC. Whether or not there was any intention would be adjudicated upon during the course of the Trial once evidence is led and prosecution witnesses are cross-examined.

11. Coming back to the facts of the present case, admittedly, there was prior enmity between the parties. The FIR reveals that cars of the accused-petitioners repeatedly struck the vehicle of the complainant party with an intent to kill. All the accused-petitioners were travelling in the offending Fortuner vehicle. The complainant party was also attacked in the

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police station with an intent to kill as per the contents of the FIR. Merely because the injuries received by the complainant party are simple in nature does not mean that the charges cannot be framed under Section 307 IPC. Once the intent to kill has been categorically mentioned in the FIR and the statements of the witnesses are also to the similar effect, there is no requirement that injuries inflicted, if any, must actually be dangerous to life so as to frame a charge under Section 307 IPC. Further, the fact that the petitioner No.1-Ajeet Jakhad @ Ajeet Singh also received injuries goes to show that an occurrence did take place.

12. In view of the aforementioned discussion, I find no merit in the present petition and the same stands dismissed.

13. However, it is made clear that the observations made in this order are only for the purpose of deciding this petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made.

14. The pending application(s), if any, shall stand disposed of accordingly.

April 28, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No