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

**CRR No.1786 of 2025**

**Date of decision : 08.04.2026**

**Madan Lal**

**.....Petitioner**

**versus**

**State of Punjab**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

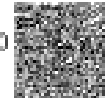
Present :- Mr. H.S. Saini, Advocate  
for the petitioner.

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**RAJESH BHARDWAJ, J. (Oral)**

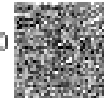
1. The petitioner has approached this Court praying for impugning order dated 14.05.2025 passed by the learned Additional Sessions Judge, S.A.S. Nagar, Mohali, whereby charges under Sections 406, 420, 304, 120-B of IPC and Section 13 of the Punjab Travel Professional Regulation Act, 2014 has been wrongly framed against petitioner.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of complainant-Ravinder Kumar. It was alleged that the complainant has 02 children, the elder son is 21 years of age and daughter is 19 years of age. It was alleged that Madan Lal (petitioner herein) used to visit the house of Manish Kumar, who was known to the complainant, and told him that he is working as a Travel Agent. It was alleged that about one year ago, when Madan Lal visited the



village of the complainant, told him that he could assist the complainant in sending his son abroad. Upon this, the complainant communicated with Madan Lal, who assured him that he could send multiple persons legally and demanded an amount of Rs.14.00 lacs each for sending his son and relatives to Italy. Thereafter, Madan Lal took the documents of Tony, Sandeep, Dharamvir and Ajay Kumar and demanded an advance payment of Rs.1 lac each and after getting the visa of all the four persons told him that all these persons would go to Italy via Dubai. Thereafter, he told that due to some issues, all these persons would go to Italy via Libya but all the four persons did not reach Italy. It was alleged that neither they could be contacted nor their location was tracable. It was further alleged that the complainant thereafter, came to know that his son, namely, Tony had died in mysterious circumstances and there was no clue about rest of the boys. Thus, the complainant found himself to be defrauded on the pretext of sending his son and relatives abroad. Thus, request was made to take legal action against the accused. On registration of the FIR, investigation commenced. The petitioner was arrested on 29.09.2023. On completion of the investigation, the challan was presented under Section 173 Cr.P.C. The learned trial Court on the basis of challan presented, heard the petitioner and framed the charges against them vide impugned order dated 14.05.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that after conducting the investigation, the police filed the charge-sheet for the offences under Sections 406, 420,

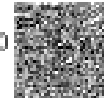


304, 120-B of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, whereby, Section 304 IPC was added by the police, later on, whereby the ld. trial Court vide order dated 14.05.2025, had framed the charges against the petitioner. He submits that the petitioner was in India whereas son of the complainant had died at abroad. He submits that the petitioner has not done any act with the intention of causing death of son of the complainant or caused any such bodily injury to his son and thus, no offence under Section 304 IPC is made out against the petitioner but the learned trial Court in violation of the law settled has passed the impugned order and framed the charge under Section 304 of IPC, against the petitioner and the said order is being unsustainable in the eyes of law, deserves to be set aside.

4. Notice of motion.

5. On asking of the Court, Mr. Raj Karan Singh, A.A.G., Punjab, accepts notice on behalf of respondent-State.

6. Learned State counsel, on the other hand, has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner was arrested in the present case on 29.09.2023 through production warrants with the petitioner of ld. Court concerned. He submits that the petitioner had duped the complainant party for an amount of Rs.49 lacs and due to his conduct, son of the complainant lost his life. He submits that offences against the petitioner stood duly proved and thus, ld. trial Court framed the charges against the petitioner under Sections 406, 420, 304, 120-B of IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act. He submits that petitioner is a habitual offender who is involved in 04 more cases of similar nature. He has thus, submitted that



the impugned order suffers from no illegality and hence, the present petition deserves to be dismissed.

7. Heard.

8. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner had duped the complainant's party for an amount of Rs.49 lacs and due to his conduct, son of the complainant lost his life. Perusal of the status report filed, would show that the petitioner did not possess any legal permit or license to send persons abroad. During the course of investigation, statements of the witnesses were recorded under Section 161 Cr.P.C., wherein, it was disclosed that these boys were kept hidden at separate locations in dangerous conditions by the petitioner and his associates who used to harass and torture them and subsequently, complainant's son, namely, Tony sustained injuries which led to his death. Based on the statement of witnesses, offence under Section 304 IPC was added. There are specific allegations against the petitioner that he had cheated the complainant's party and also, is a habitual offender who is involved in other cases of similar nature, as well, which *prima facie* proves the complicity of the petitioner.

9. Needless to say that at the time of framing of the charges, the learned trial Court is not to sift the evidences but to find out whether on the basis of material placed before it any *prima facie* case is made out against the accused or not. The trial Court found the material produced to be sufficient for framing the charges.

10. Hon'ble the Supreme Court in ***Bhawna Bai Vs. Ghanshyam,***

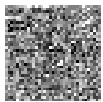
***2020(1) RCR (Criminal) 370*** has held as under:-



*“12. Though the circumstances alleged in the charge sheet are to be established during the trial by adducing the evidence, the allegations in the charge sheet show a prima facie case against the accused-respondent Nos.1 and 2. The circumstances alleged by the prosecution indicate that there are sufficient grounds for proceedings against the accused. At the time of framing the charges, only prima facie case is to be seen; whether case is beyond reasonable doubt, is not to be seen at this stage. At the stage of framing the charge, the court has to see if there is sufficient ground for proceeding against the accused. While evaluating the materials, strict standard of proof is not required; only prima facie case against the accused is to be seen.”*

11. Hon'ble Division Bench of the Supreme Court in **Manendra Prasad Tiwari Vs. Amit Kumar Tiwari, 2022 SCC Online SC 1057**, has held as under:-

*“22. The scope of interference and exercise of jurisdiction under Section 397 of CrPC has been time and again explained by this Court. Further, the scope of interference under Section 397 CrPC at a stage, when charge had been framed, is also well settled. At the stage of framing of a charge, the court is concerned not with the proof of the allegation rather it has to focus on the material and form an opinion whether there is strong suspicion that the accused has committed an offence, which if put to trial, could prove his guilt. The framing of charge is not a stage, at which stage the final test of guilt is to be applied. Thus, to hold that at the stage of framing the charge, the court should form an opinion that the accused is certainly guilty of committing an offence, is to hold something which is neither permissible nor is in consonance with the scheme of Code of Criminal Procedure.”*



12. The judgments relied upon by learned counsel for the petitioner are distinguishable on the facts and circumstances of the present case.

13. This Court does not find any infirmity in the impugned order dated 14.05.2025 passed by Ld. Additional Sessions Judge, S.A.S., Nagar, Mohali and hence, the present petition is hereby dismissed. However it is being clarified that nothing said hereinabove shall be treated as an expression of opinion on the merits of the case.

08.04.2026

(RAJESH BHARDWAJ)

*ps-I*

JUDGE

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