

**CRR-2431-2025****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH****109****CRR-2431-2025****Date of Decision: 04.02.2026****SURENDER KUMAR AND OTHERS****... PETITIONERS****VERSUS****STATE OF HARYANA AND ANR****... RESPONDENTS****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL****Present:-** Mr. Sachin Jangra, Advocate for the petitioners.**H.S. Grewal, J.(Oral)**

1. The present revision petition has been filed against the impugned order on charge and chargesheet dated 02.08.2025 in case No. SC/111/2025 passed by the learned Additional Sessions Judge, Kurukshetra, in FIR No. 88 dated 12.02.2025, discharging the petitioners from the charges framed against them, and for modification of order of charge to the extent that the Section 103(1) of BNS is not made out against the petitioners registered under Sections 103(1), 190 and 191(3) of the BNS, 2023 at Police Station Ladwa, District Kurukshetra, Haryana, whereby charges under the aforesaid provisions have been framed mechanically without properly analyzing the evidentiary value of the material placed on record.

2. The brief facts of the case are that the deceased namely Amarjeet allegedly used to visit the house of the petitioners at night with his face covered and the number plate of his motorcycle concealed, and thrown letters inside the house. Owing to such acts, the petitioner's daughter lodged FIR No. 71 dated 03.02.2025 in the concerned police station, narrating the incidents in detail. However, despite disclosure of all material facts, no effective action was taken by the police, leaving the petitioners and his family vulnerable to

**CRR-2431-2025****-2-**

continued harassment at the hands of the deceased. It is further alleged that upon learning about the registration of the FIR, the deceased again came to the petitioner's house on the intervening night with the intention to outrage the modesty of the petitioner's daughter. After committing the act and while attempting to flee, he was apprehended by the petitioners, and in the ensuing scuffle, the deceased sustained injuries.

3. Learned counsel for the petitioners submits that the petitioners informed the police, but no timely assistance was provided, following which they voluntarily surrendered. It is further submitted that the deceased was involved in five other criminal cases and had been harassing the petitioners' family for nearly two months by sending vulgar letters. It is contended that the learned Additional Sessions Judge, Kurukshetra, without properly appreciating the material on record, wrongly framed charges whereas the case falls within the exceptions of grave and sudden provocation or the right of private defence. Reliance is placed on *Nawaz vs. State represented by Inspector of Police, (2019) 3 SCC 517*. To support his arguments, learned counsel for petitioners has relied upon judgment of Hon'ble Supreme Court of India 1979(3) SCC 4 titled "*Union of India vs. Prafulla Kumar Samal and another*" and para No.10 of which runs as under:-

*"10. Thus, on a consideration of the authorities mentioned above, the following principles emerge:*

*(1) That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out;*

*(2) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be fully justified in framing a charge and proceeding with the trial.*



CRR-2431-2025

-3-

*(3) The test of determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.*

*(4) That in exercising his jurisdiction under Section 227 of the Code the Judge which under the present Code is a senior and experienced Court cannot act merely as a Post-Office or a mouth-piece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.”*

Accordingly, it is prayed that the impugned order dated 02.08.2025 be set aside and the petitioners be discharged.

4. Notice of motion.

5. Ms. Ruchi Sekhri, Addl. A.G.Haryana accepts notice on behalf of the respondent-State and argued that facts of the case and the documents on record were rightly considered by learned Additional Sessions Judge, Kurukshetra before framing of charges. There is no illegality or irregularity committed by learned trial Court. It is argued that at the time of framing of chargesheet, only *prima facie* case is to be seen on the basis of material placed on record.

6. I have heard the counsel for the parties and perused the material on record.

7. Present petitioners have levelled allegations against the deceased as he himself was the aggressor who entered the house of the petitioners intending to outrage the modesty of daughter of the petitioners. It is a matter of record that on the complaint of Krishna Devi (petitioner No.1 daughter),

CRR-2431-2025

FIR No. 71 dated 03.02.2025 registered at the concerned police station. At the time of framing of chargesheet, *prima-facie* case is to be seen, based on the evidence collected by the Investigating Officer in shape of statements of witnesses and documents relied upon by the prosecution.

8. Therefore, considering the aforesaid facts, this Court finds no illegality or irregularity in the impugned order dated 02.08.2025 passed by the learned Additional Sessions Judge, Kurukshetra. The pleas raised by the petitioners can only be examined during the course of trial. Consequently, the matter cannot be adjudicated in revisional jurisdiction as the Revisional Court has limited scope focus on correcting jurisdictional errors, procedure, illegalities or gross injustice in trial Court decision rather than conducting a full reappreciation of evidence.

9. Consequently, I do not find any perversity and illegality in the impugned order passed by the Id. trial Court and the same is accordingly dismissed.

10. Nothing said hereinabove shall be considered as an expression of opinion on the merits of the case.

11. Pending application(s), if any, shall also stand disposed of

04.02.2026  
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(H.S.GREWAL)  
JUDGE

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