



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

CRR-3288-2025 (O&M)
Reserved on : 01.05.2026
Pronounced on : 21.05.2026

Tarsem Singh & Ors.

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. B.S. Sidhu, Senior Advocate with
Mr. Chandan Singh and Ms. Reema, Advocates
for the petitioners.

Mr. Jasdev Singh Thind, DAG Punjab.

SURYA PARTAP SINGH, J.

This is a revision petition against the order dated 28.08.2025, hereinafter being referred to as 'impugned order' only, passed by the Court of learned Additional Sessions Judge Sri Muktsar Sahib, hereinafter being referred to as 'trial Court' only.

2. By virtue of abovementioned order, the learned trial Court has framed the charges against the petitioners and passed the following order:-

“Challan received by way of entrustment after commitment. It be registered. Heard on the question of charge. From the perusal of report under Section 173 CrPC and documents attached therewith, prima facie offence punishable under



Sections 105, 118(2), 3(5) of BNS and Section 9(B) of Explosive Act and Section 92 of Factory Act is found to have been made out against the accused. Accordingly, accused have been charge sheeted thereunder and contents thereof have been read over and explained to them, to which they did not plead guilty and claimed trial. Now, prosecution witnesses be summoned for 23.10.2025.”

3. The abovementioned order has been passed in the backdrop of the fact that for the commission of offence punishable under Sections 105, 118(2), 3(5) of Bharatiya Nyaya Sanhita, 2023, Sections 9, 9B and 12 of the Explosives Act and Section 92 of the Factories Act, FIR No.129 dated 30.05.2025 was lodged in Police Station Lambi, District Sri Muktsar Sahib.

4. The petitioner is aggrieved of the abovementioned order, for framing of charges. The challenge to the abovementioned order is primarily on the ground that the petitioners have been prosecuted by the Investigating Agency, and thereafter charge-sheeted by the learned trial Court, without any legal basis. According to petitioners, as per contents of the charge-sheet itself, petitioner No.1 has nothing to do with the commission of crime as he was not running the business/factory, and secondly, because on the basis of contents of report under Section 193 of ‘Bharatiya Nagarik Suraksha Sanhita, 2023’, hereinafter being referred to as ‘BNSS’ only, filed by the police, the offence under Section 105 of BNS is not made out.

5. Heard.



6. It has been contended by learned Senior Counsel for the petitioners that initially the petitioners No.1 and 2 were arrested in this case, and thereafter, name of petitioner No.3 was added on the basis of disclosure statements of his co-accused. According to learned Senior Counsel for the petitioners, the learned trial Court has framed charges against the petitioners in a routine and mechanical manner. As per learned Senior Counsel for the petitioners, the final report under Section 193 of BNSS clearly shows that the Investigating Agency has failed to collect any material indicating intention or knowledge on the part of the petitioners, which are mandatory ingredients for constituting offences under Sections 105 and 118(2) of BNS. The learned Senior Counsel for the petitioner has further contended that in the absence of such *mens rea*, the framing of charges under the abovesaid provisions is wholly unsustainable in law.

7. It has also been contended by learned Senior Counsel for the petitioners that as per case of the prosecution, the petitioner No.1 was the owner of the land underneath the factory and that the petitioner No.2 was running the factory, whereas the petitioner No.3 was supplying labour & raw material. According to learned Senior Counsel for the petitioners, the allegation of the prosecution that the factory was being run without any licence, permit or safety measures, is factually incorrect and contrary to the documentary evidence on record.

8. It has been further contended by learned Senior Counsel for the petitioners that the facts and evidence do not disclose the commission of



offence of culpable homicide not amounting to murder and that at the most, the allegations may constitute negligence, but by no stretch of imagination, it can attract Section 105 of BNS. According to learned Senior Counsel for the petitioners, the impugned order reflects complete non-application of judicial mind.

9. In support of his arguments, the learned Senior Counsel for the petitioners has referred to the observations recorded by this Court in the case of ‘Inderjit Singh V/s State of Punjab’ CRR-4804-2018. In the abovementioned case, almost identical incident, i.e. fire in the factory, meant for manufacturing of plastic goods, had taken place and two persons died. In the abovementioned case, it has been observed that instead of Section 304 of IPC read with Section 92 of Factories Act, the offence under Section 304A of IPC read with Section 92 of Factories Act is made out.

10. The learned Senior Counsel for the petitioners has also referred to the principles of law laid down by the Hon’ble Supreme Court of India in the case of ‘Nitinchandra Somnath Raval V/s State of Gujarat & Ors.’ 2020(2) SCC (Cri) 130. In the abovementioned case, while defining the circumstances, where the offence of culpable homicide not amounting to murder is made out, the Hon’ble Supreme Court has observed that ‘for the abovementioned offence, it has to be established that the act done by the accused by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death; or in the alternative, it is done with the knowledge that it is likely to cause death, but



without any intention to cause death, or to cause such bodily injury as is likely to cause death. In the second part punishment prescribed is lesser than the first part’.

11. During the course of arguments, the learned Senior Counsel for the petitioners has also relied upon the observations recorded by the Coordinate Bench of this Court in the case of ‘Dhanpreet Singh & Anr. V/s State of Punjab’ 2022(3) RCR (Criminal) 718. In the abovementioned case, due to breaking of nut-bolt studs, a heavy press weighing four quintal fell down and injured three workers. The owner of the factory got the workers admitted in hospital, but two of them died as a result of injury sustained by them. In the abovementioned case, charge for the commission of offence punishable under Section 304 IPC was framed by the learned trial Court. However, this Court observed that ‘forcing a person to undergo criminal prosecution without noticing as to whether any criminal case is made out against a person on the strength of the material and evidence collected by the prosecution itself is a perpetuation of injustice. This Court further observed that a Court of law cannot refuse to examine the existence of prima facie evidence and as to whether such evidence would support the continuation of proceedings against the petitioner or not on a pretext that such issue is to be examined at the stage of trial. A plea of defence cannot be looked into by the Revisional Court especially when such plea is sought to be established by any other evidence or document which is yet to be proved in accordance with law. The said aspect however does not apply to the evidence collected



by the Investigating Agency and sought to be relied upon by the agency for proving its case against an accused’.

12. The observations recorded by the High Court of Karnataka in the case of ‘Ramdas Narayan Ghoprade & Ors. V/s State of Karnataka & Anr.’ 2025 SCC OnLine Kar 16657, have also been relied upon by the learned Senior Counsel for the petitioners. In the abovementioned case, with regard to an incident of explosion in the factory on 29.08.2018, one complaint under Section 92 of Factories Act was filed and in addition to above, the FIR under Section 304 of IPC was also lodged. The High Court of Karnataka in the abovementioned case quashed the FIR under Section 304 of IPC.

13. In view of above, while assailing the impugned order, it has been contended by learned Senior Counsel for the petitioners that firstly, the petitioner No.1 has nothing to do with the running of factory in the abovementioned land, as the same was being run by the son of petitioner No.1, and the petitioner No.1 was only the owner of the land, underneath the factory and secondly, the act/omission, which resulted into blast, does not constitute an offence under Section 304 of IPC. In view of above, the learned Senior Counsel for the petitioners has urged that there is immediate need for interference and indulgence in the finding recorded by the learned trial Court in the impugned order. Thus, it has been prayed by learned Senior Counsel for the petitioners that by accepting the present revision petition, the impugned order be set aside and the petitioners be discharged.



14. The abovementioned arguments have been controverted by the learned State Counsel. The learned State Counsel has contended that in the present case, very specific and categorical allegations have been levelled against the petitioner qua the fact that the land underneath the factory belongs to the petitioner No.1, and that the factory was being run by the petitioners jointly. As per learned State Counsel, the abovementioned factory meant for manufacturing fire crackers was being run in an illegal manner, without any safety measures installed therein and without obtaining requisite permit or licence. According to learned State Counsel, on account of abovementioned deliberate omission on the part of petitioners, the explosion took place in the abovementioned factory, in the night on 30.05.2025, resulting into injuries on the person of more than 42 workers. As per learned State Counsel, out of abovesaid 42 workers, five injured workers passed away due to the injuries suffered by them.

15. While defending the impugned order, it has been contended by learned State Counsel that since the factory was being run in an illegal manner, without any permit or licence and without installation of safety measures, the offence under Section 304 of IPC is made out in the present case. In addition to above, the learned State Counsel has also contended that no ground for interference in the observations recorded by the learned trial Court is made out, and that the present petition being devoid of merit deserves dismissal.

16. The record has been perused carefully.



17. A careful perusal of record shows that in the present case, the abovementioned FIR came into being when 'SI Karamjeet Kaur' got a tip-off that an illegal factory, for the production of firecracker, was being run at Malout-Bathinda bypass, by Tarsem Singh, his wife 'Sukhchain Kaur' and son 'Navraj Singh'. It was also informed that in the abovementioned factory, numerous migrant labourers were working. According to above-named police officer, the informer also told him, that in the preceding night of 30.05.2025, a blast had taken place in the abovementioned factory due to which number of migrant labourers had buried under the debris, and few of them passed away.

18. It is also relevant to mention here that after investigation of case, the final report has been submitted by the police and in the final report, very specific role has been assigned to the petitioners. According to prosecution, the petitioner No.1 has a vital role in the entire case, as he was owner of the land on which the factory meant for manufacturing of firecrackers was being run without any permit or licence.

19. It has also been alleged by the prosecution that the requisite safety measures were not installed in the abovementioned factory and thus, due to abovementioned deliberate act, vis-à-vis the omission, on the part of the petitioners, the abovementioned incident had taken place.

20. A perusal of record shows that there is nothing on record to show that the petitioner No.1 was not having any responsibility/share in the



abovementioned factory and if it is so, then it can be the subject matter of defence evidence only, which has to be led during the course of trial.

21. As far as the observations recorded by this Court in the case of ‘Inderjit Singh’ (supra) are concerned, the same were recorded with regard to a factory for which a proper licence was issued by the concerned authorities and secondly, the abovementioned factory was not meant for firecrackers. Thus, it is hereby observed that the petitioners are not entitled to draw any benefit out of the principles of law laid down in the abovementioned case.

22. As far as the observations recorded by this Court in the case of ‘Dhanpreet Singh’ (supra) is concerned, the same, too, are not applicable in the present case, as in the instant case the Investigating Agency has not collected any evidence, which can lead to a conclusion that all the safety measures were taken by the petitioner and his co-accused for running a factory. In addition to above, there is no evidence collected by the Investigating Agency to show that the petitioner No.1 was not responsible for running the factory. The instant case is a case, wherein the plea taken by the petitioners has to be proved by way of defence evidence. Thus, it is hereby observed that the petitioners are not entitled to draw any benefit from the abovementioned principles also.

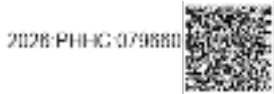
23. As far as the case of ‘Ramdas Narayan Goprade’ (supra) is concerned, the factual matrix of the abovementioned case was altogether different, wherein with regard to one incident two prosecutions were



launched. Thus, it is hereby observed that the petitioners are not entitled to draw any benefit of the abovementioned principles also.

24. If the factual matrix of the present case is analysed in the light of the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Nitinchandra Somnath Raval' (supra), it transpires that *prima facie* it appears that the petitioner and his co-accused, who were running a factory of firecracker, must be aware of this fact that there were very fair chances of explosion in such factory, as they were dealing with explosive substance. Thus, required safety measures along with requisite permit and licence should have been ensured by the petitioners, but they failed to do so. Thus, the natural inference that can be drawn in the present case is that the petitioners knew that their actions were likely to cause death, yet despite such knowledge, they failed to take the requisite safety measures. In view of abovementioned observations, it is hereby observed that the principles laid down by the Hon'ble Supreme Court in the abovementioned case are applicable to the present case, but instead of supporting the case of the petitioners, it supports the prosecution stand, that a *prima facie* a case for the commission of offence punishable under Section 304 of IPC is made out.

25. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Bhachandra & Anr. V/s State of Maharashtra' AIR 1968 SC 1319 has also been referred. The principle of law laid down in the abovementioned case squarely covers the factual matrix of the present case, and if the abovementioned principle is



applied to the present case, it transpires that the charges have rightly been framed against the petitioners.

26. Taking into consideration the cumulative effect of all the abovementioned factors, it is hereby observed that there is no illegality, perversity in the findings recorded by the learned trial Court, in the impugned order, wherein it has been observed that a *prima facie* case for the commission of offence punishable under Section 105 of BNS is made out against the petitioners. Thus, it is hereby observed that there is no scope for interference or indulgence in the impugned order and the present petition being devoid of merit deserves dismissal.

27. As a sequel to abovementioned observations, finding no merit, the present petition is hereby *dismissed*, accordingly.

28. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

21.05.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No