

2026:PHHC:084950



CRR-2289-2025 (O&M) and  
CRR-1437-2025 (O&M)

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

**1. CRR-2289-2025 (O&M)**

Dr. Rohit Lalit and others

....Petitioners

Versus

State of Haryana and another

....Respondents

**2. CRR-1437-2025**

Nishant Verma

....Petitioner

Versus

State of Haryana and others

....Respondents

**Reserved on: May 21, 2026**

**Date of Pronouncement: May 29, 2026**

**Date of Uploading: May 29, 2026**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

**Present:** Mr. Viren Jain, Advocate and  
Ms. Tarranum Madan, Advocate  
for the petitioners in CRR-2289-2025  
and for respondent No.2 in CRR-1437-2025.

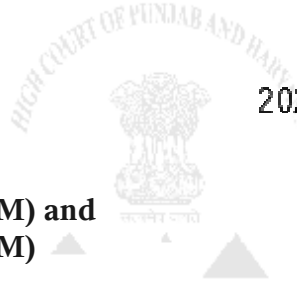
Mr. Gurmeet Singh, AAG Haryana.

Mr. Nishant Verma, respondent No.2 in person  
in CRR-2289-2025 and for petitioner in CRR-1437-2025.

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**SUMEET GOEL, J.**

1. By way of this common judgment, this Court proceeds to adjudicate upon two connected criminal revision petitions, given that they both assail the same impugned order. For the sake of clarity, the respective petitions are detailed as under:



- (i) ***CRR-2289-2025***, titled as ***Dr. Rohit Lalit and others v. State of Haryana and another.***
- (ii) ***CRR-1437-2025***, titled as ***Nishant Verma v. State of Haryana and Others.***

For the purpose of convenience, the facts are drawn from ***CRR-2289-2025*** (hereinafter referred to as the '*petition in hand*'). Furthermore, to maintain uniformity, the petitioners in the *petition in hand* (CRR-2289-2025) shall hereinafter be referred to as the "accused," while respondent No.2 therein shall be referred to as the 'complainant.' Conversely, in CRR-1437-2025, the petitioner shall be referred to as the "complainant" and the private respondents as the 'accused.'

### **FACTUAL MATRIX**

2. The *petition in hand* (CRR-2289-2025) has been filed by the accused laying challenge to the order dated 20.11.2024 passed by the learned Additional Sessions Judge, Gurugram (hereinafter referred to as '*impugned order*') whereby it has been directed that charges be framed against the accused for offences under Sections 323, 325, 331, 341, 201 and 34 of IPC. The accused have, primarily, sought for deletion of Sections 325/ 331 of IPC. Further, condonation of delay of 204 days in filing the revision petition is sought for.

CRR-1437-2025 has been filed by the complainant, primarily, for addition of offences under Sections 307/ 379-B/ 149 of IPC as also for arraigning further accused, i.e., the accused persons other than those challaned (charge-sheeted) by the police. Further, condonation of delay of 94 days in filing the revision petition is sought for.



3. Shorn of non-essential, the relevant factual *milieu* of the *lis* in the *petition in hand* is adumbrated thus:

(i) FIR bearing No.173 dated 27.08.2023 came to be registered under Sections 147, 149, 323, 341, 379-B and 506 of the IPC at Police Station New Colony, District Gurugram at the instance of the complainant against certain persons including the accused (herein).

(ii) As per the Medico Legal Report (MLR) dated 27.08.2023, the following injuries were found upon the body of the complainant:

“(1) Multiple contusion present on forehead. With XXX swelling on forehead. Adv: NCCT Head and surgeon opinion.  
(2) Swelling 4x4 cm on left side of Zygome (left) with contusions red – blue in colour. Adv:- ENT opinion.  
(3) Swelling around R/L eyes present. Adv:- Eye opinion.  
(4) H/I nasal bleed present, C/o pain and swelling in nose. Adv:- ENT opinion.  
(5) Contusion and swelling on right Zygome region 2\*3 cm.  
(6) C/o pain and swelling on left ear with contusion on ear. Adv.: Ear opinion.  
(7) C/o jaw pain and swelling on right angle of Mandible. Adv: Dental opinion.  
(8) C/o pain in left shoulder. Adv: Ortho opinion.  
(9) Pain and swelling 4\*4 cm on left wrist and left hand. Adv: Ortho opinion.  
(10) C/o pain in right side chest. Adv: Surgeon opinion.  
(11) Contusions 6\*10 on middle back with C/o pain in back. Adv: Ortho opinion.”

(iii) The Police made an application to Medical Officer, General Hospital, Gurugram on 15.09.2023 for opinion regarding the injuries sustained by the complainant, relevant whereof reads thus:

“To  
Medical Officer,  
GH Gurugram.

**Subject-** Application for opinion regarding the injuries sustained by victim Nishant Verma son of S.K. Verma resident of H.No.236 Ground Floor, Blossom 1 Sec-47 Gurugram.

Sir,

It is requested that on 27.08.2020, the above mentioned injured Nishant Verma was admitted to your hospital whose MLR No. is KS/2023/449 dated 27-08-2023. In which doctor has mentioned a total of 10 injuries. The documents, reports and discharge summary related



*to the treatment of the injured Nishant Verma have been received. The documents, reports and discharge summary related to the treatment of the injured Nishant Verma are presented before you. Therefore, an opinion be given about the injuries sustained by Nishant Verma, with which type of weapon was he inflicted the injury and what is the type of injury so that further investigation of the case can be carried out.*

*Police Station New colony, Gurugram  
Dated 15.09.2023*

*After reviewing the discharge summary provided by Pratiksha Hospital it was found that Injury No.1, 2, 3, 4, 5 & 8, 9, 10, 11 are Simple in Nature.*

*Opinion regarding injury no.7 to be given by Dental Surgeon.  
Weapon –I Blunt for all injuries.”*

(iv) On 03.10.2023, another application was moved by the Police to the General Hospital, Gurugram for opinion regarding the injuries sustained by the complainant. Relevant of the said request and opinion given by the Government Doctor reads thus:

*“To  
PMO  
Medical Officer,  
GH Gurugram.*

*Subject- Application for opinion regarding the injuries sustained by victim Nishant Verma son of S.K. Verma resident of H.No.236 Ground Floor, Blossom 1 Sec-47 Gurugram.*

*Sir,*

*It is requested that on 27.08.2020, the above mentioned injured Nishant Verma was admitted to your hospital whose MLR No. is KS/2023/449 dated 27-08-2023. In which doctor has mentioned a total of 10 injuries. The documents, reports and discharge summary related to the treatment of the injured Nishant Verma have been received and are presented before you. Opinion regarding injury no.7 received by injured Nishant Verma is pending which injury no.7. Therefore, an opinion be given regarding the type of weapon with which he was inflicted the injury and what is the type of injury so that further investigation of the case can be carried out.*

*Police Station New colony, Gurugram  
Dated 3.10.2023*

*Dental Surgeon on duty.*

*MLR: KS/2023/449*

*Pt took treatment from Dental Makeover, considering loose teeth, Injury is simple in nature, Pt did not undergo X Ray.*

*TMJ : opinion regarding Jaw Pain can't be opined.*

*This opined after receiving opinion from treating doctor.*

*Sd/-*

*3/10/23”*

(v) It is further the case of the complainant that he had approached a private dental practitioner at a clinic operating under the name and style



of "Dental Makeover" for medical treatment. As alleged, this treatment was necessitated by the dental injuries allegedly sustained by him during the incident on 27.08.2023. Subsequently, on 10.11.2023, the said private dentist performed a tooth extraction procedure upon the complainant. Thereafter, the Police again sought for a medical opinion about the injuries suffered by the complainant from the Government Hospital, Gurugram, relevant whereof reads thus:

“To

*PMO, Government Hospital, Sector 10  
District Gurugram.*

*Subject – Regarding opinion about injuries.*

*Sir,*

*It is requested that in the case, MLC No.KS/2023/449 has been prepared for the complainant – Nishant Verma son of S.K. Verma resident of 236 Ground Floor Blossom Ist Sector 47 Gurugram. In which Dental Surgeon's opinion has been obtained on Injury No.7. Regarding which you have given your opinion on 3/10/23. Now the complainant – Nishant Verma has presented the medical report of one of his teeth (DENTAL MAKEOVERS B-4 GROUND FLOOR MAYFIELED GARDEN BLOCK B SECTOR 50). Therefore, after observing the MLC and medical documents and the report of DENTAL MAKEOVERS hospital dated 30/9/23, you should again give your opinion on 10-11-23 as to what type of tooth is there. So that further investigation can be done in the case.*

*Sd/-*

*Crime Unit Sector 10*

*District Gurugram 20/11/23*

- Dr. Kamal/MO*
- Dr. Praveen Arya/MOs/Dental Surgeon*
- Dr. Deepak Mathur/Forensic Expert*

*Sd/-*

*20.11.23*

*Dental 22/11/23*

*-On Perusal of the MLR dated 27/08/23, MLR NO-KS/2022/449 by Dr. Kamal Singh CMOs of district Civil Hospital Sec. 10, Gurugram the nature of injury probably seems to be simple*

*Sd/-*

*Dental Surgeon*

*Civil Hospital Sector -10, Gurugram*

*22/11/23*

*Review of Dental opinion as given above specifies the dental injury to be simple which is also earlier given by Dr. Kamal Singh @ corroborated by Dr. Arjun Soni (Dental makeover) also. Patient did not undergo X-Ray TMJ (Jaw Joint) has been mentioned by Dr. Kamal Singh vide Opinion dated 3.10.23. No X-Ray films have been shown to the board also. However, NCCT face dt 28/8/27 clearly shows Body, Ramus, Alveolar process & Condylar process of mandible to be Normal. The*



*same may be further confirmed again by dental surgeon on board also, but in the light of aforesaid documents the injury to the teeth & Jaw be considered simple till a radiological or dental corroboration of the contrary is put on record.*

*Sd/-*

*ASMO (DCH Sec-10)*

*22/11/23*

*- The police official today dated 24/1/23 placed on file the print out/copy of the RVG x-ray of the patient concerned. On perusal of the same, the nature of injury probably to be simple only.*

*Sd/-*

*Dr. Kamal Singh  
Dental Surgeon  
Civil Hospital Sector – 10, Gurugram”*

(vi) The Police, on 29.09.2023, deleted Section 379-B of the IPC against the petitioners (herein) and exonerated accused other than petitioners, on the basis of investigation carried out as also after recording of the statements of 09 persons. A copy of the said report has been brought forth on record as Annexure P-2 in *CRR-1437-2025*, relevant whereof reads thus:

*“10. In the case, based on the interrogation of the aforementioned witnesses, the study of the file, and my investigation so far, it has been found that the complainant, Nishant Verma, was detained and assaulted inside the hospital and was given threats. Apart from this, the allegations made by the complainant regarding the snatching of his mobile phone, wallet, cash, dollars, matar mala (gold chain) and bracelet were found to be untrue. The offense under Section 379B IPC (Robbery) was not established in the case, and there is no evidence found against Dr. Rohit Lalit’s mother, Premlata. Accordingly, the investigating officer has been directed to remove Section 379B IPC from the case. Furthermore, an in-depth investigation should be conducted to identify the hospital staff member wearing a light blue-gray T Shirt as seen in the CCTV footage. If any other person’s involvement is found legal action should also be taken against them as per the law.*

*11. As of now, the verification and investigation of the case have been conducted at Police Station New Colony. The case file and witness statements have been handed over to Investigating Officer Deepak for further action, and I am now engaged in other government duties.”*

(vii) The Police, after carrying out the investigation, presented challan (charge-sheet) against the accused on 08.02.2024 before the concerned Illaqa Magistrate under Sections 323, 325, 331, 341, 201, 506 and 34 of the IPC, 1860. Vide the *impugned order*, the learned Additional



Sessions Judge, Gurugram proceeded to frame charges against the petitioners under Sections 323, 325, 331, 341, 201, 506 and 34 of the IPC.

(viii) Aggrieved by the *impugned order*, the accused have approached this Court vide CRR-2289-2025 (*petition in hand*) whereas the complainant has approached this Court vide CRR-1437-2025.

It is in this factual backdrop, that these two criminal revision petitions have come up for receiving consideration at the hands of this Court.

#### **RIVAL SUBMISSIONS**

4. Learned counsel appearing for the petitioners in the *petition in hand* (CRR-2289-2025), has iterated that the delay in filing the present revision petition is neither intentional nor deliberate but has occurred due to circumstances beyond their control. Learned counsel has further iterated that after engaging the earlier counsel for filing and pursuing the instant case, the said counsel unfortunately met with a serious accident on 13.03.2025 and suffered grave head injuries and required brain surgery. According to the learned counsel, owing to said unfortunate accident, the applicants-petitioners were unable to make contact with the counsel and were unable to retrieve the case file or proceed further in the matter for a considerable period. It has been contended that after learning about the condition of the said counsel, the applicants-petitioners contacted the present counsel in May, 2025 and thereafter took requisite steps to retrieve the file and pursue appropriate legal remedies. It has been further contended that the petitioners had initially approached this Court by filing a petition seeking quashing of the FIR which came to be withdrawn on



22.05.2025 with liberty to avail alternative remedies in accordance with law. Learned counsel has canvassed that after filing the present revision petition, repeated objection(s) have been raised by the Registry and substantial time was consumed in removing the said objections and re-filing the matter. Learned counsel has emphasized that the applicants-petitioners have acted diligently and made sincere efforts to pursue the matter at every stage and there has been no negligence or intentional inaction on their part. On the strength of these submissions, learned counsel has prayed that the instant application seeking condonation of 204 days in filing the present revision petition be condoned in the interest of justice.

Further, learned counsel for the petitioners has opposed the condonation of delay of 94 days in filing CRR-1437-2025 by the complainant by iterating that no plausible/ sufficient cause has been reflected for seeking condonation of delay.

4.1. The learned counsel for the accused, on merits of the *lis*, has vehemently contended that the offence punishable under Section 325 IPC is *ex facie* not attracted in the facts and circumstances of the present case. It has been argued that, even *assuming arguendo* that the injuries alleged by the complainant were caused at the hands of the accused, the same, as borne out from the medical record itself, are at best simple in nature and do not satisfy the essential ingredients constituting “grievous hurt” within the meaning of Section 320 IPC. Learned counsel has further submitted that the allegations levelled against the accused are inherently improbable, materially inconsistent and wholly contrary to the contemporaneous record.



It has specifically been urged that petitioner No.1 is a medical practitioner suffering from 60% permanent physical disability, which substantially impairs his physical mobility and bodily movements. In such circumstances, the allegations attributing physical assault and active participation in the alleged occurrence to petitioner No.1 are *ex facie* implausible, inherently unreliable and devoid of credibility.

It has further been contended that the complainant has falsely implicated the petitioners with an oblique motive to harass, intimidate and exert undue pressure upon them for extraneous considerations by misusing his influence with the local police authorities. Learned counsel submits that the *mala fide* intent underlying the prosecution is further evident from the fact that despite petitioner No.1 having lodged a complaint disclosing commission of cognizable offences by the complainant himself, the police authorities deliberately failed to register an FIR thereupon, thereby clearly demonstrating bias, arbitrariness and collusion with the complainant, who himself is a practising Advocate. Learned counsel has additionally argued that the entire edifice of the prosecution case stands belied by the medical evidence available on record. It has been submitted that all the medical opinions and treatment records consistently opine the injuries suffered by the complainant to be simple in nature, and there is no medical material whatsoever suggestive of any grievous injury so as to attract the rigours of Section 325 IPC. It has further been contended that there is not even *prima facie* material on record to establish that the alleged extraction/loss of a tooth would, in the attending facts and circumstances, constitute grievous hurt within the ambit of Section 320 IPC. Learned counsel has further



pointed out that the falsity and vindictive nature of the allegations levelled by the complainant are also manifest from the dismissal of Complaint No.COMI/32/2024 instituted by the complainant against the present petitioners as well as certain doctors of Civil Hospital, Sector-16, Gurugram, wherein allegations pertaining to conspiracy and fabrication of medical opinion had been raised against the concerned medical officers.

On the strength of the aforesaid submissions, learned counsel has contended that the *impugned order* dated 20.11.2024 framing charges against the petitioners suffers from patent illegality, non-application of mind and mis-appreciation of the material available on record and, therefore, deserves to be set aside. Accordingly, prayer has been made for allowing the present revision petition and quashing the charges framed against the petitioners vide order dated 20.11.2024.

5. Respondent No.2/petitioner in CRR-1437-2025, who appears in persons, while raising submissions with regard to condonation of delay of 94 days in filing the revision petition (CRR-1437-2025), has submitted that after passing of the *impugned order* dated 20.11.2024, he was collecting the relevant records and documents necessary for assailing the impugned order. He has further submitted that the drafting and preparation of the petition took considerable time owing to the complexity of the matter and the voluminous nature of the record. It has been further submitted that immediately after completion of the requisite formalities and procurement of documents, he acted diligently and approached this Court without further delay. According to him, the delay is *bona fide*, unintentional and if the same is not condoned, he would suffer grave prejudice as material



aspects of the matter would remain unaddressed. On the strength of these submissions, he has prayed that the delay of 94 days in filing the connected revision petition (CRR-1437-2025) be condoned in the interest of justice.

Further, opposing the plea for condonation of 204 days in filing CRR-2289-2025 by the accused, it has been iterated by the complainant (who appears in person) that the story put forth in the application (seeking condonation of delay in filing) is a concocted version as also there is no tangible material to support the said stand. It is, thus, entreated that this application (seeking condonation of delay) ought to be declined.

5.1. The Complainant who appears in person, while vehemently opposing the *petition in hand* (CRR-2289-2025) & supporting the cause espoused in CRR-1437-2025, has submitted that the *impugned order* dated 20.11.2024 passed by the learned Additional Sessions Judge, Gurugram, framing charges under Sections 201, 325 and 331 IPC against the petitioners is perfectly legal, justified and founded upon a due and proper appreciation of the material collected during the course of investigation. It has been contended that the allegations contained in the FIR, the statements of witnesses recorded under Section 161 Cr.P.C., the medical evidence as well as the other incriminating material collected by the investigating agency, *prima facie* disclose the commission of cognizable offences by the petitioners and fully justify the framing of charges against them at the present stage. While advancing submissions in consonance with the grounds raised in CRR-2289-2025, the complainant has further contended that both the investigating agency as well as the learned Court below have



failed to appreciate the material available on record in its true perspective and have illegally omitted several accused persons from the array of accused while simultaneously diluting the gravity of the offences by deleting serious penal provisions from the FIR and the final report. It has further been argued that the investigating agency has committed a manifest illegality and acted in an arbitrary manner by discharging and omitting several specifically named accused persons despite the fact that the FIR itself, coupled with the status report dated 29.09.2023, clearly establishes their presence and participation at the place of occurrence. The complainant has submitted that Sections 147 and 149 IPC had initially been invoked during investigation and that all the persons arrayed as respondent Nos.2 to 6 in CRR-1437-2025 have themselves admitted their presence at the hospital premises where the alleged incident took place. According to respondent No.2, once the presence and assembly of the accused persons at the scene of occurrence stood admitted, the investigating agency could not have arbitrarily excluded the applicability of the offences relating to unlawful assembly and common object.

It has further been contended that despite the existence of specific allegations pertaining to snatching and use of force, the investigating agency, in a wholly *mala fide* and unjustified manner, deleted the offence under Section 379-B IPC from the case vide status report dated 29.09.2023 submitted before the learned Court below. The complainant has alleged that such deletion of serious penal provisions was not based upon any fair or objective assessment of the evidence, but was indicative of a deliberate attempt to shield the accused persons from the rigours of law.



The complainant has also specifically assailed the exclusion of private respondent – Prem Lata from the array of accused persons despite categorical allegations in the FIR attributing to her active instigation, exhortation and provocation to commit the assault, including exhortations to kill the complainant. It has been argued that notwithstanding the grave and specific nature of the allegations levelled against her, the investigating agency, without assigning any cogent justification, chose to exonerate her from the case, thereby rendering the investigation tainted, selective and unfair.

Assailing the *impugned order* further, the complainant has contended that the learned Additional Sessions Judge failed to properly sift, analyse and judicially evaluate the material available on record and mechanically accepted the conclusions drawn by the investigating agency without independently considering despite the material *prima facie* disclosing the commission of additional offences and the involvement of other accused persons.

On the strength of the aforesaid submissions, the Complainant has prayed that the *impugned order* be suitably modified and the learned Court below be directed to frame charges under Sections 307, 323, 325, 331, 341, 379-B, 201 and 506 IPC read with Sections 147 and 149 IPC against the accused persons. A further prayer has also been made for summoning respondent Nos.6 to 15 as additional accused persons and for proceeding against them in accordance with law.

6. Learned State counsel has submitted that the investigation in the present case was conducted by the investigating agency in a fair,



impartial and lawful manner, and upon culmination thereof, the Final Report/Challan dated 08.02.2024 came to be presented before the learned jurisdictional magistrate strictly in consonance with the material collected during investigation. It has been further argued that the learned trial Court, while passing the *impugned order* on charge, has meticulously examined the entire material available on record & has framed charges only to the extent a *prima facie* case was discernible against the accused persons. It has been further submitted that the learned trial Court having acted within the four corners of settled legal principles, cannot be said to have committed any error, thereby any interference with the *impugned order* not warranted.

7. I have heard learned counsel for the petitioners and the complainant and have gone through the record with their able assistance.

8. Before advertng to the merits of the revision petitions, it is pertinent to note that there is a delay of 204 days in preferring the revision petition bearing No.CRR-2289-2025 and a delay of 94 days in filing CRR-1437-2025. However, having regard to the submissions advanced and upon a holistic consideration of the attending circumstances, the said delay in filing both the revision petitions ought to be condoned & the *lis* ought to be considered on merits thereof.

9. Before proceeding on merits, it would be apposite to refer herein to a judgment passed by this Court titled as ***Sanjay Kumar Sharma vs. State of Haryana; 2024 (3) Law Herald 1971***; wherein this Court after relying upon the *dicta* of the judgments of the Hon'ble Supreme Court in the cases of *State of Karnataka versus L. Munishwamy: 1977 (3) SCR 133*,





*the offence. To put in other words, it is not suspicion but grave/strong suspicion that will call for a person to be arraigned as an accused.*

9.1 *However, it does not mean that the Court is not required to consider the material brought before it at time of its consideration upon the aspect of framing of charges. The Court is duty bound to sift through material brought before it to find out whether or not prima facie case is made out against the accused as has been held by the Hon'ble Supreme Court in the case of Prafulla Kumar Samal (supra). However; truthfulness, sufficiency, acceptability or reliability of such material ought not to be delved into as held in the dicta of judgment of Hon'ble Supreme Court in case of SB Johri (supra). To put it differently, the probative value of material brought before the Court is not to be minutely examined. The Court, ought not to accept what material says as gospel truth, if such material is opposed to common sense or broad probabilities of the case as has been held by Hon'ble Supreme Court in case of Niranjan Singh Karam Singh Punjabi (supra). Hence the Court is required to consider broad probabilities, total affect of evidence/documents produced before it, the basic infirmities in the case which go to the root of the prosecution version, there being a legal bar to prosecution, the element of criminality clearly missing and so on. At this juncture, a word of caution is called for viz, while considering the material at the time of framing of charges, the Court is not to sift through such material in a meticulous manner lest it amounts to a mini trial. Such an endeavour is impermissible, in law, as laid down by the Hon'ble Supreme Court in the case of Ghulam Hassan Beigh (supra).*

9.2 *There is no gainsaying that framing of charges is a crucial facet of criminal proceedings. An order framing charge (s) affects a person's liberty in a substantial manner and, therefore, a Court is required to carefully look into this aspect as held in case of Munishwamy's case (supra). Further; the Court cannot, while considering the aspect of framing of charges, be expected to act merely as a post office or mouth piece of prosecution as enunciated by Hon'ble Supreme Court in Sajjan Kumar's case (supra). A Court, while adjudicating upon the aspect of framing of charges, is essentially required to consider the interests of all concerned, namely; the prosecution (society at large), victim/complainant and the accused; the interest of justice and fair trial being above all. The sapient principle, which has met with favour from the Hon'ble Supreme Court, reads thus:*

*" A Judge does not preside over a criminal trial, merely to see that no innocent man is punished. A Judge also presides to see that a guilty man does not escape. Both are public duties."*

*A trial Judge, hence, ought not to treat the pivotal matter pertaining to framing of charges in a perfunctory nay ritualistic manner. Often enough, a trial ensues, complete with a rigmarole spiraling about, due to lack of assiduity accorded to framing of charges. Duty and work of a trial Judge is indubitably demanding, exacting as also relentless and there is no easy way out of it. Yet, the judicial wisdom must be surely and unhesitatingly applied by the trial Court in framing charges, in every case, with its unique factual matrix. It is seen, more often than not, that there is an endeavour by the complainant-side to drag the accused into the rigmarole of a lame prosecution/trial for facing a fullfledged trial which has its own perils. Even when prosecution case is lame and does not meet the requisite standards, especially when the accused would be*





V. *Where the material produced before the Court discloses grave/strong suspicion, the Court will be justified in framing charge(s) and proceed further. However, where such material shows that two views are equally possible and the material gives rise to some suspicion but not grave/strong suspicion, then the Court ought not to frame charges against the accused.*

VI. *There is no gainsaying that the factors/principles enumerated hereinabove are illustrative in nature for no inexorable formula can be laid down in this regard. In other words, it is not only difficult but is inherently impossible to state with exhaustive precision such factors/principles since every case has its own unique factual conspectus.”*

9.1. It is thus, *indubitably*, clear that at the stage of framing of charges, the court is expected to proceed in an assiduous and discerning manner, rather than adopting a perfunctory, ritualistic, or mechanical approach. The court, while evaluating the question of charge, must not act merely as a post office or a mouthpiece of the prosecution, but must adjudicate upon this pivotal aspect by balancing the competing interests of all stakeholders; namely, the prosecution (representing society at large), the victim/complainant, and the accused. While the Court undoubtedly possesses the power to sift and weigh the material on record for the limited purpose of ascertaining whether a *prima facie* case has been spelled out, it must eschew making a roving or fishing inquiry into the absolute truthfulness, reliability, or sufficiency of the material at this juncture, as these are matters strictly in the realm of trial. However, the Court is legally bound to examine whether the material available on record, if left uncontroverted, satisfies the essential ingredients of the offence(s) sought to be charged. Where the material on record engenders a grave and strong suspicion, the Court is fully justified in framing charges; conversely, where the material yields a mere suspicion or where two views are equally plausible, the benefit must inevitably enure to the accused.



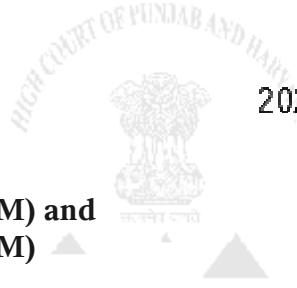
9.2. Crucially, this judicial exercise of sifting through the record assumes paramount salience and a heightened degree of judicial gravity when the very foundational ingredients of the offence are dependent upon objective medical evidence. In cases where the legal classification of an offence turns entirely upon the nature, severity, and provenance of an injury, the Court cannot blindly accept speculative oral assertions or exaggerated ocular accounts. Instead, the documentary medical record must be treated as the primary anchor of the *prima facie* evaluation, as the diagnostic reality of whether an injury is simple or grievous or legally sufficient to cause death is a matter capable of precise, objective, and scientific verification alone. Consequently, at this threshold stage, the clinical findings, radiological reports, and expert medical opinions assume determinative significance. If the objective medical documentation placed before the Court inherently contradicts the prosecution's narrative, or *ex-facie* fails to satisfy the rigorous statutory definitions of the offences sought to be charged, the Court is duty-bound to intercede. The Court cannot comfortably relegate the matter to the rigors of a protracted trial when the scientific metrics themselves fail to substantiate the charge.

10. Now this Court reverts to the factual *milieu* of the case in hand.

10.1. The alleged incident is stated to have transpired on 27.08.2023. A meticulous perusal of the medical opinions rendered by the Government medical officers, as extracted in paragraph 3 (*supra*), unequivocally indicates that the injuries sustained by the complainant were strictly simple in nature. *Indubitably*, the final report under Section 173



Cr.P.C. (Challan) incorporates a clinical opinion from a private dental practitioner, under whose care the complainant remained, which reveals that a tooth extraction procedure was performed on 10.11.2023, nearly two and a half months post the incident. Furthermore, a critical evaluation of the subsequent medical opinion dated 22.11.2023 issued by the Government Medical Officer, which duly adverts to and takes cognizance of the treatment records from the private clinic, namely 'Dental Makeovers', reiterates and affirms the characterization of the injury as simple. Pertinently, the commencement of criminal trial for an offence involving grievous hurt as defined under Section 320 of the IPC, cannot be predicated upon mere conjecture or a forensic vacuum. It is a fundamental postulate of criminal jurisprudence that for a Court to frame charges under the penal provisions involving grievous hurt, there must exist a *prima facie* foundation establishing the specific statutory ingredients enumerated under Section 320 of the IPC. Where the medical evidence available on record, unequivocally characterizes the injuries as '*simple*' in nature, the Court is legally precluded from venturing in the realm of grievous hurt, in the absence of cogent, rebuttal material. Pertinently, the classification of injuries under the code is not a matter of judicial caprice but a matter of scientific determination. As the maxim goes, ***Cuilibet in sua arte perito est credendum***, i.e. credence must be given to one skilled in his peculiar art. Consequently, the Court must defer to the objective findings of medical experts, for while such an opinion is not *absolute conclusio*, it possesses significant probative value and acts as the primary compass in navigating complex and scientific facts that lie outside the ordinary experience of the



Court. A profitable reference in this regard can be made to the observations made by the Hon'ble Madras High Court in a case titled as ***Rasiq Mohammed Khan @ Rasiq Vs. The State through the Inspector of Police; CRL RC(MD) No. 210 of 2024***, wherein; while referring to the *dicta* of the Hon'ble Supreme Court in ***Mayur Panabhai Shah Vs. State of Gujarat; 1982 SCC (Cri) 442***, and a Division Bench of the Hon'ble Patna High Court in ***Mutukdhari Singh and Others Vs. Emperor; AIR 1942 Patna 376***; it has been observed as under:

**“8. Precedents on Proving "Fracture"/Grievous Hurt:**

8.1. *The Hon'ble Bombay High Court in Sheshrao Namdeo Atkare & Anr. v. State of Maharashtra Crl.A. No.3500 of 2002, decided on 22.01.2018 (Supreme Court) emphasised that to return a finding of grievous hurt on the footing of fracture, the medical evidence must clearly establish the fracture; in the absence of radiological proof, Courts must exercise great caution in recording a finding of "fracture."*

8.2. *The Hon'ble Supreme Court in Mayur Panabhai Shah v. State of Gujarat(1982) SCC (Cri) 442, held that the ipse dixit of a doctor without supporting material (like X-ray/plate/report) is insufficient to conclusively establish a fracture so as to constitute grievous hurt; the prosecution must bring reliable medical evidence on record.*

8.3. *The Hon'ble Patna High Court in Mutukdhari Singh & Ors. v. Emperor AIR 1942 Patna 376, held that where the evidence is merely that a bone has been cut without proof of the extent (deep cut vs. superficial), Section 320 IPC cannot be invoked in the absence of proper medical proof; the finding of grievous hurt must rest on clear, objective evidence.*

8.4. *Kumar v. State 2022 (3) MLJ (Crl) 217, This Court reiterated that unless a fracture is proved or the condition is so glaringly obvious that a clinical examination alone leaves no manner of doubt, it would be unsafe to hold that the prosecution has proved a fracture; mere reference in oral testimony is insufficient.*

9. *Fully fortified by the propositions supra, I am of the considered view that, unless the fact of fracture can be proved by evidence which is so glaring and obvious that a finding can be recorded by the Court relying on the clinical examination of the patient, it would be extremely unsafe to hold that the prosecution has proved fracture in the absence of radiological evidence.”*

The act of framing of charges necessitates the judicial application of mind to ensure that essential *actus reus* of the alleged offence is reflected in the material available on record. The prosecution



must show the completion of all the ingredients of an offence even at this threshold stage, for a trial cannot be launched on the wings of a mere possibility. Ultimately, it would constitute a grave miscarriage of justice if an individual is subjected to the rigours and social stigma of a trial for an offence that, *ex facie* is legally non-existent.

*Ergo*, in the considered opinion of this Court, it cannot be said that the accused ought to be arraigned for charge under Section 325 of IPC but ought to be arraigned as an accused of offence under Section 323 of IPC in this regard.

10.2. The complainant has placed considerable reliance upon the medical records issued by Dental Makeovers, contending that the tooth extraction performed on 10.11.2023 perforce brings the alleged injury within the ambit of Clause (vii) of Section 320 of the IPC, pertaining to fracture and dislocation of tooth. However, this contention fails to withstand the judicial scrutiny when tested against the temporal proximity and the doctrine of *causa causans*. While the alleged scuffle is said to have occurred on 27.08.2023, the clinical extraction in question was done only on 10.11.2023. Such a protracted interval, in the absence of an unbroken chain of medical corroboration, severely attenuates the nexus between the alleged assault and the eventual extraction, rendering the connection speculative rather than substantive. In the realm of criminal jurisprudence, to visit an accused with the rigours of prescribed penal liability, the consequence complained of must be direct, immediate and natural result of the act alleged. The law does not take cognizance of remote or intervening causes, and the Court cannot be invited to embark upon a journey of



possibilities or probabilities, to bridge the evidentiary chasm. Consequently, the Court must refrain from adopting a *post hoc ergo propter hoc* fallacy. *Ergo*, in the factual *milieu* of the *petition in hand*, where the prosecution has failed to establish a causal link between the alleged assault and subsequent extraction/ dislocation, the foundational fact required to invoke Section 320 of the IPC, remain missing.

10.3. The learned trial Court below has directed the framing of a formal charge against the accused under Section 331 of the Indian Penal Code (IPC) as well. It is a fundamental postulate of criminal jurisprudence that the *sine qua non*; the indispensable essence; for inviting the penal consequences of Section 331 IPC is the actual infliction of "grievous hurt" as statutorily defined. However, as discussed in the preceding subparagraphs, the medical documentation available on record unequivocally restricts the character of the injuries sustained by the complainant to "simple hurt." Consequently, the very basis upon which the charge under Section 331 IPC seeks to rest stands demolished. By no stretch of scholastic or legal imagination can an injury certified as simple be inflated to meet the threshold of a grievous injury. Therefore, the objective medical reality of the case completely strips the prosecution's argument of its vitality for a graver offense; at best, the factual matrix would *prima facie* attract the provisions of Section 330 of the IPC, and completely excludes the applicability of Section 331 of the IPC.

10.4. The argument advanced by the complainant—to the effect that, a *prima facie* case under Section 307 of the Indian Penal Code (IPC) is made out against the accused, fails to cut ice. A critical evaluation of the



nature and body/site of the injuries detailed in paragraph 3(ii) (supra), when juxtaposed with the totality of the attendant circumstances and the factual *milieu* of the case, indubitably demonstrates that the essential ingredients of an "attempt to murder" are conspicuously absent. To attract the penal provisions of Section 307 IPC, there must coexist both the requisite criminal intent (*mens rea*) and an overt act (*actus reus*) committed under such circumstances that, had it caused death, the accused would be guilty of murder. In the matrix of the present case, the objective medical metrics utterly falsify any such sinister intent or lethal gravity. The injuries, being demonstrably superficial and simple, completely sever the causal link required to sustain so grave a charge. It is a canonical principle of criminal law that a criminal charge cannot be anchored upon mere conjectures, flights of fancy, or hyper-hyperbole. To graft a charge of Section 307 IPC onto a factual foundation of purely simple injuries, in facts as involved herein, would amount to a patent misapplication of law and an exercise in *reductio ad absurdum*. In this regard, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in case titled as ***Roshan Lal vs. The State of Haryana and another = 2026 INSC 524***, relevant whereof reads thus:

*“30. Having concluded as above, we now proceed to examine the crucial issue as to whether the injuries in question were inflicted with the requisite intention or knowledge, and in such circumstances that, had death ensued, the act would amount to murder.*

*31. The words 'such intention' found in Section 307 IPC, refer to the intention referred to in Section 300 IPC. It means: (i) intention to cause death; (ii) intention to cause such bodily injury, which the offender knows is likely to cause death; (iii) intention to cause such bodily injury, which is sufficient in the ordinary course of nature to cause death.*

*The essential ingredient of the offence of attempt to murder is the intention to cause death. Such intention exists prior to the actual attempt and must be established independently of the act itself or the actus reus. Once the requisite intention to commit murder is proved, the eventual*



*outcome of the attempt becomes irrelevant, unless the attempt culminates in death, in which case the offence would fall within Section 300 IPC. In the absence of proof of intention, a conviction under this provision cannot be sustained.*

*32. Intention, however, can be inferred from surrounding circumstances, such as the type of weapon employed, the words spoken by the accused at the time of the incident, the motive behind the act, the parts of the body targeted, the nature and extent of the injuries inflicted, as well as the force and manner in which the blows were delivered.”*

Consequently, this Court has no hesitation in holding that the invocation of Section 307 IPC is entirely unwarranted and legally unsustainable.

10.5. Pertinently, the contention advanced on behalf of the complainant *qua* non-framing of charge under section 379-B of the IPC, despite the existence of specific allegations in the FIR, is wholly devoid of merit and does not commend acceptance. A bare but meaningful perusal of the report dated 29.09.2023 unequivocally reveals that the offence under section 379-B of the IPC stood deleted during the course of investigation itself, upon due consideration of the material collected by the investigating agency including the statements of witnesses and other attendant circumstances forming part of the record. Once the investigating agency, upon appraisal of the evidentiary substratum, formed the ingredients of Section 379-B of the IPC to be conspicuously absent. The learned trial Court cannot be faulted for refraining from framing charge under section 379-B of the IPC. It is trite law that charges cannot be framed *in vacuo* or on the basis of bald and omnibus allegations bereft of foundational material. In view thereof, the Court finds no illegality or infirmity in the *impugned order*, to the extent, it refrains from framing charge under Section 379-B of the IPC.



10.6. Regarding the submissions preferred by the complainant assailing the conclusion(s) in Chargesheet / Final Report dated 08.02.2024, which resulted in the exoneration of the accused not challaned by the police and ultimately deletion of Sections 147 and 149 of the IPC, this Court is of the considered opinion that the same are *coram non judicce* at the present stage of proceedings. The jurisdictional scope of the current challenge is strictly tethered to the legality, propriety and correctness of the *impugned order* framing charges against the petitioners (herein). Since the petitioners were the sole individuals recommended for prosecution by the investigating agency; later on affirmed by the jurisdictional Court taking cognizance; the status of those exonerated remains a collateral matter, distinct from the immediate question of whether a *prima facie* case exists to sustain the charges against the petitioners (herein). To delve into the merits of the exoneration of accused individuals not challaned, (i.e. Respondents No. 6 to 15 in CRR-1437-2025) would be to overstep the instant remit of this court and risk causing prejudice. Accordingly, this Court maintains a stance of judicial neutrality and refrains from rendering any opinion/findings on the complicity or lack thereof regarding the accused persons not challaned.

11. In view of the preceding ruminations, charges ought to be framed against the petitioners – accused (herein) under Sections 323, 330, 341, 201, 506, 34 of IPC.

### **Decision**

12. In view of the prevenient ratiocination, the revision petitions (CRR-2289-2025 and CRR-1437-2025) are **disposed of** in the following



CRR-2289-2025 (O&M) and  
CRR-1437-2025 (O&M)

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terms:

- (i) The *impugned order* (order dated 20.11.2024 passed by the learned Additional Sessions Judge, Gurugram) is modified to the extent that the petitioners in CRR-2289-2025 ought to be arraigned as accused for offences under Sections 323, 330, 341, 201, 506 and 34 of IPC. Requisite consequences to ensue accordingly.
- (ii) It is however, clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case and the learned concerned Court shall proceed further, in accordance with law.
- (iii) Pending application(s), if any, shall also stands disposed of.

(SUMEET GOEL)  
JUDGE

May 29, 2026  
Ajay/mahavir

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