



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115)

CRR-1301-2026 (O&M)
Reserved on:- 27.07.2026
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HARVINDER @ HARVINDER SINGH AND OTHERS

... Petitioners

Vs

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. P.S. Hundal, Senior Advocate with
Mr. Gursahib Singh Hundal, Advocate and
Ms. Arshpreet Kaur, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, Addl. A.G., Haryana.

VIRINDER AGGARWAL, J. (Oral)

1. The petitioners have filed the present revision petition assailing the order dated 18.04.2026 passed by the learned Additional Sessions Judge, Karnal, whereby charges have been framed against them under Sections 307, 323, 324, 34 and 506 of the Indian Penal Code, 1860 (corresponding to Sections 109, 115(2), 118(1), 3(5) and 351(2) of the Bharatiya Nyaya Sanhita, 2023), along with Section 25 of the Arms Act, 1959, in FIR No. 1255 dated 09.08.2023 registered at Police Station Civil Lines, Karnal, while praying for setting aside of the impugned order and their discharge from the aforesaid offences on the ground that no prima facie case is made out against them.

2. As per the prosecution, on 08.08.2023 at about 9.00 p.m., the complainant, Harjeet Singh, after completing Bhangra practice, along with his companions, namely Satender Singh, Tejbir Singh, Harmandeep Singh,



Satnam Singh and Anhad Partap Singh, visited Brown Bakery Restaurant situated at Model Town, Karnal, for dinner. After finishing their meals, while they were standing near their vehicles on the main road outside the restaurant, they noticed accused Kulwant Singh sitting in a black Thar Jeep bearing registration No. HR-05BD-6114 with another person. It is alleged that Kulwant Singh repeatedly lowered the window of his vehicle, stared aggressively towards the complainant and his companions while twisting his moustaches, drove around them, stopped his vehicle again, played loud music and continued consuming liquor.

2.1 The prosecution alleges that apprehending some untoward incident, the complainant and his companions sat on the chairs placed outside the restaurant. Thereafter, Kulwant Singh allegedly approached them and started abusing them in filthy language. During this period, the complainant received a telephone call from Gurbakhsh Singh, cousin of accused Kulwant Singh, informing him that Kulwant Singh was under the influence of liquor and that he, along with Simran Singh, was coming to pacify him and take him back home. According to the prosecution, shortly thereafter, a white Scorpio vehicle bearing registration No. HR-05-AQ-8894 arrived at the spot, from which accused Mehtab Singh and another unidentified person alighted and joined Kulwant Singh. Soon thereafter, three to four young boys reached the spot in an Endeavour vehicle, followed by Gurbakhsh Singh and accused Simran Singh in a black Scorpio vehicle. When the complainant and his companions stood up to speak with Gurbakhsh Singh, the accused persons allegedly launched a concerted attack upon them.



2.2 It is specifically alleged that accused Kulwant Singh, armed with a sword (Kirpan), attacked the complainant with the intention of causing his death. The complainant attempted to ward off the blow with his right hand, as a result of which he sustained an injury on the thumb of his right hand. Immediately thereafter, accused Mehtab Singh allegedly inflicted a sword blow on the complainant's head with the intention to kill him, causing an injury on his forehead. Accused Simran Singh is alleged to have delivered a sword blow on the complainant's shoulder, whereas another unidentified assailant struck the complainant on the finger of his right hand with a sword. The prosecution further alleges that when Davinder Singh intervened to rescue the complainant, accused Mehtab Singh assaulted him with a sword, causing an injury on his right hand. It is further alleged that the remaining 7-8 unidentified associates, armed with sticks (dandas), also assaulted the complainant and his companions while raising exhortations that they had found the complainant unarmed and would kill him. Owing to the assault, the complainant allegedly became unconscious and regained consciousness only on the following day.

2.3 On receiving information regarding the occurrence, the police reached Kalpana Chawla Government Medical College and Hospital, Karnal, where the injured had initially been taken. As the injured had been referred to a higher medical centre, the Investigating Officer obtained the medico-legal reports, which disclosed multiple injuries on the person of complainant Harjeet Singh and one injury on the person of Davinder Singh. The Investigating Officer thereafter contacted the injured persons and learnt that they were undergoing treatment at Arvind Hospital, Karnal. On 09.08.2023,



after obtaining medical opinion regarding the fitness of the complainant to make a statement, the Investigating Officer recorded the statement of Harjeet Singh, on the basis of which the present FIR came to be registered. During the course of investigation, the police inspected the place of occurrence, prepared the site plan, recorded the statements of witnesses acquainted with the facts of the case under Section 161 Cr.P.C., collected the medico-legal reports and other medical documents pertaining to the injuries sustained by the complainant and the other injured witness, and took into possession the relevant material forming part of the investigation. Upon completion of the investigation, the investigating agency concluded that sufficient material existed to establish a prima facie case against the accused persons for having formed an unlawful assembly, armed themselves with deadly weapons, and in prosecution of their common object, assaulted the complainant and the injured witness with the intention of causing their death.

2.4 On the basis of the material collected during investigation, including the statement of the complainant, statements of eyewitnesses, medical evidence and other documentary material, the police presented the final report (challan) before the competent Court. Upon consideration of the police report and the material accompanying the same, the learned Additional Sessions Judge, Karnal, vide order dated 18.04.2026, found that a prima facie case was made out and accordingly framed charges against the petitioners for offences punishable under Sections 307, 323, 324, 34 and 506 of the Indian Penal Code, 1860 (corresponding to Sections 109, 115(2), 118(1), 3(5) and 351(2), respectively, of the Bharatiya Nyaya Sanhita, 2023), along with Section 25 of the Arms Act, 1959.



3. Learned counsel for the petitioners vehemently contends that the impugned order dated 18.04.2026 has been passed without proper appreciation of the material available on record and that the learned Additional Sessions Judge, Karnal, has mechanically framed charges under Sections 307, 323, 324, 34 and 506 of the Indian Penal Code, 1860 (corresponding to Sections 109, 115(2), 118(1), 3(5) and 351(2), respectively, of the Bharatiya Nyaya Sanhita, 2023), along with Section 25 of the Arms Act, 1959, despite the absence of the essential ingredients constituting the said offences. It is submitted that even if the prosecution case is accepted in its entirety, the allegations do not disclose the requisite intention or knowledge to constitute an offence punishable under Section 307 IPC (corresponding to Section 109 of the BNS, 2023). Learned counsel submits that there was neither any premeditation nor exhortation attributed to the petitioners, no repeated blows were inflicted by any of them, and the injuries ultimately opined by the Medical Officer were simple in nature with no fracture or injury to the brain. It is, thus, argued that at the highest, the allegations disclose an offence punishable under Section 323 IPC (corresponding to Section 115(2) of the BNS, 2023).

3.1 Learned counsel further contends that the learned Trial Court has failed to appreciate the material discrepancies in the medical evidence. It is submitted that the original computer-generated Medico-Legal Report (MLR No. SG/26/23) pertaining to the complainant, Harjeet Singh, generated on 09.08.2023, recorded four injuries, namely, (i) a U-shaped wound measuring 12×1 cm on the right side of the forehead, (ii) a lacerated wound measuring 3×0.5 cm on the lateral side of the base of the right thumb, (iii) a lacerated wound measuring 4×0.5 cm on the lateral side of the right index finger, and



(iv) an abrasion measuring 7.5×0.5 cm on the right shoulder near the axilla. According to learned counsel, although the kind of weapon was mentioned to be "sharp", the MLR did not describe any of the injuries as incised wounds. It is argued that a fresh MLR dated 23.08.2023 was subsequently issued wherein injuries Nos. 1, 2 and 3 were shown as incised wounds instead of the injuries recorded in the original report. Thereafter, a third MLR, which was not computer-generated but handwritten, was allegedly prepared by the Medical Officer, wherein the same injuries were again shown as incised wounds. Learned counsel submits that the handwritten MLR contained interpolations, did not bear any date beneath the signatures of the Medical Officer and was prepared only to improve the prosecution case.

3.2 It is further argued that the handwritten MLR was fabricated by the Medical Officer in connivance with the complainant after the learned Additional Sessions Judge, Karnal, while dealing with the anticipatory bail proceedings, passed an order dated 22.08.2023 directing the investigating agency to obtain a fresh medical opinion regarding the nature of the injuries. Learned counsel submits that the explanation subsequently furnished by the Medical Officer with regard to the cuttings and alterations in the MLR, nearly fifteen days after the occurrence, was merely an afterthought intended to justify the interpolations already made. It is further submitted that on the application moved by the police dated 23.08.2023, the same Medical Officer, vide opinion dated 24.08.2023, categorically opined that there was no fracture, no injury to the brain and that all the injuries sustained by the complainant were simple in nature.



3.3 Learned counsel further submits that the discharge summary issued by Arvind Hospital also belies the prosecution version. It is argued that although the complainant remained admitted in the said hospital from 09.08.2023 to 16.08.2023, the discharge summary records a fracture of the distal phalanx of the middle finger, whereas the MLR prepared at Kalpana Chawla Government Medical College and Hospital, Karnal, records an injury only on the index finger and does not disclose any injury on the middle finger of the right hand. According to learned counsel, this material discrepancy creates serious doubt regarding the authenticity of the medical evidence relied upon by the prosecution.

3.4 Learned counsel also contends that the credibility of the medical evidence stands further eroded by the fact that the same Davinder Singh of Kalpana Chawla Government Medical College and Hospital, Karnal, was convicted in connection with FIR No. 296 dated 17.05.2017 registered under the Prevention of Corruption Act for issuing false medico-legal reports. It is further submitted that Davinder Singh, who has been cited as an injured witness in the present case, had allegedly played a significant role in procuring fabricated medico-legal reports in the said case. On the strength of these circumstances, learned counsel submits that the medico-legal evidence has been repeatedly tampered with and cannot form the basis for framing charges under Section 307 IPC (corresponding to Section 109 of the BNS, 2023).

3.5 It is next contended that the charge framed against petitioner No. 1 under Section 25 of the Arms Act, 1959, is wholly unsustainable in law. Learned counsel submits that petitioner No. 1 professes the Sikh faith and was allegedly carrying a Kirpan, which enjoys constitutional protection under



Explanation I to Article 25 of the Constitution of India. It is argued that the right to wear and carry a Kirpan as an article of faith has been constitutionally recognised and, therefore, mere possession or carrying of a Kirpan cannot constitute an offence under Section 25 of the Arms Act. Reliance has also been placed upon various judicial precedents to contend that the learned Trial Court failed to apply the settled principles governing the framing of charge and mechanically framed the impugned charges without examining whether the material collected during investigation disclosed the essential ingredients of the offences alleged. Learned counsel, therefore, prays that the impugned order dated 18.04.2026 be set aside and the petitioners be discharged from the offences punishable under Sections 307, 323, 324, 34 and 506 of the Indian Penal Code, 1860 (corresponding to Sections 109, 115(2), 118(1), 3(5) and 351(2), respectively, of the Bharatiya Nyaya Sanhita, 2023), along with Section 25 of the Arms Act, 1959.

4. Status report dated 03.07.2026 by way of affidavit of DSP, Women Safety, Karnal, on behalf of respondent/State has been placed on record.

5. Per contra, learned State counsel opposes the present revision petition and submits that the learned Trial Court has rightly framed charges against the petitioners after finding a prima facie case on the basis of the material collected during investigation. It is contended that the statements of the injured witnesses and other prosecution witnesses, the photographs of the occurrence, the recoveries effected during investigation, the disclosure statements of the accused and the medical evidence prima facie establish that the petitioners, armed with swords, inflicted injuries on the complainant and



the other injured with the requisite intention to commit the offence. It is further submitted that the discrepancy in the Medico-Legal Report stands duly explained by the concerned Medical Officer, who clarified that the corrections were made only to rectify an inadvertent error and not to favour either party. Learned State counsel further submits that the allegations raised by the petitioners regarding the authenticity of the medical evidence, the correctness of the investigation and the applicability of the offences alleged involve disputed questions of fact, which can only be adjudicated upon during trial and not at the stage of framing of charge.

6. A perusal of the impugned order reveals that the learned Additional Sessions Judge has framed charges against the petitioners under Sections 307, 323, 324, 34 and 506 of the Indian Penal Code, 1860 (corresponding to Sections 109, 115(2), 118(1), 3(5) and 351(2), respectively, of the Bharatiya Nyaya Sanhita, 2023), besides Section 25 of the Arms Act, 1959. Insofar as the charge under Section 25 of the Arms Act is concerned, the allegation against petitioner No. 1 is that he was carrying a Kirpan and had allegedly used the same to inflict injuries upon the complainant and the injured witness. Learned counsel for the petitioners has contended that a follower of the Sikh religion has a constitutional right to wear and carry a Kirpan as an article of faith by virtue of Explanation I to Article 25 of the Constitution of India and has placed reliance upon *Hari Singh v. Emperor*, AIR 1924 Lahore 600, to contend that a Kirpan means a sword and that its mere possession or carrying by a follower of the Sikh faith would not constitute an offence punishable under Section 25 of the Arms Act. There can be no quarrel with the proposition that a follower of the Sikh religion has a



constitutional right to wear and carry a Kirpan as an article of faith. However, whether petitioner No. 1 is entitled to claim the benefit of the constitutional protection under Article 25 of the Constitution is a question which would necessarily depend upon evidence to be adduced during the course of trial as there are allegations that Kirpan was used to cause injury on the person of complainant and was used as weapon not as an article of faith. At this stage, no material has been placed before the Court to conclusively establish that petitioner No. 1 is an Amritdhari Sikh or that the Kirpan allegedly carried by him was being worn or carried as an essential article of faith. These are disputed questions of fact which cannot be conclusively determined at the stage of framing of charge.

6.1 As regards the discrepancies pointed out in the medico-legal evidence, it is evident from the record that three versions of MLR No. SG/26/23 pertaining to complainant Harjeet Singh have been brought on record. The original handwritten MLR prepared by Dr. Shahreyar Ghazi at the time of examination of the complainant described injuries Nos. 2 and 3 as lacerated wounds while recording the weapon used as "sharp". The said description was reproduced in the computer-generated MLR. Subsequently, a corrected MLR was issued wherein injuries Nos. 1 to 3 were described as incised wounds caused by a sharp-edged weapon. The Medical Officer has furnished a detailed explanation stating that while preparing the preliminary handwritten MLR during his night duty, he inadvertently described the injuries as lacerated wounds despite recording the weapon used as sharp. According to him, the same description was accordingly entered into the computer-generated MLR by the computer operator, and upon verification of the record,



the mistake was rectified on 23.08.2023 by issuing the corrected and signed MLR. Whether such explanation is ultimately acceptable or not is a matter to be adjudicated upon during trial after appreciation of the evidence and cross-examination of the witnesses.

6.2 At the stage of framing of charge, this Court is not expected to undertake a meticulous examination of the evidentiary value of the medical record or to determine the correctness of the explanation furnished by the Medical Officer. Significantly, in all the versions of the MLR, the kind of weapon has consistently been recorded as a sharp weapon. Furthermore, the prosecution version, including the statements of the complainant, the injured witness and the other eyewitnesses recorded during investigation, prima facie attributes the assault to the petitioners and alleges that the injuries were inflicted by means of sharp-edged weapons with the intention of causing the death of the complainant. At this stage, the ocular version of the prosecution witnesses lends prima facie corroboration to the prosecution case, and the discrepancies pointed out by the petitioners in the medico-legal reports are matters of evidence which can be effectively tested only during the course of trial. Consequently, this Court is of the considered view that the said discrepancies, by themselves, do not justify interference with the order framing charge.

7. Learned counsel for the petitioners has also placed reliance upon the judgment of the Hon'ble Supreme Court in **Jai Narain Mishra and others v. State of Bihar**, AIR 1972 SC 1764, to contend that where the medical evidence discloses that the injuries are simple in nature, an offence under Section 307 of the Indian Penal Code, 1860 (corresponding to Section 109 of



the Bharatiya Nyaya Sanhita, 2023) is not made out. It is contended that in the said case, having regard to the nature of the injuries, the Hon'ble Supreme Court altered the conviction from one under Section 307 IPC to Section 324 IPC.

7.1 The aforesaid judgment, however, does not advance the case of the petitioners. The said decision was rendered after the conclusion of the trial, when the entire oral and documentary evidence had been appreciated by the Court while deciding the appeal against conviction. In the present case, this Court is concerned only with the correctness of the order framing charge. At this stage, the Court is not required to meticulously appreciate the evidence or record findings on the probative value thereof. It is only required to ascertain whether the material available on record discloses a prima facie case or raises a strong suspicion regarding the commission of the alleged offences. In the present case, the complainant, the injured witness as well as the eyewitnesses have consistently stated that the petitioners attacked the complainant with sharp-edged weapons, targeting a vital part of the body, namely the head, with the intention to cause his death. Whether such intention is ultimately established is a matter to be determined during the course of trial. At this stage, the material on record is sufficient to justify the framing of charge under Section 307 IPC (corresponding to Section 109 of the Bharatiya Nyaya Sanhita, 2023).

8. Learned counsel for the petitioners has further placed reliance upon the judgment of the Hon'ble Supreme Court in **State of Madhya Pradesh v. Kanha @ Omprakash**, 2019 INSC 130, wherein the conviction under Section 307 of the Indian Penal Code, 1860 (corresponding to Section



109 of the Bharatiya Nyaya Sanhita, 2023) was altered to a lesser offence. Reliance has also been placed upon the judgment of the Hon'ble Supreme Court in **State of Maharashtra v. Balram Bama Patil**, (1983) 2 SCC 28, wherein it was held as under:

“9...To justify a conviction under this section it is not essential that bodily injury capable of causing death should have been inflicted. Although the nature of injury actually caused may often give considerable assistance in coming to a finding as to the intention of the accused, such intention may also be deduced from other circumstances, and may even, in some cases, be ascertained without any reference at all to actual wounds. The section makes a distinction between an act of the accused and its result, if any. Such an act may not be attended by any result so far as the person assaulted is concerned, but still there may be cases in which the culprit would be liable under this section. It is not necessary that the injury actually caused to the victim of the assault should be sufficient under ordinary circumstances to cause the death of the person assaulted. What the Court has to see is whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in this section. An attempt in order to be criminal need not be the penultimate act. It is sufficient in law, if there is present an intent coupled with some overt act in execution thereof.”

8.1 The proposition of law laid down in the aforesaid judgments is not in dispute. However, both the judgments were rendered after the conclusion of trial, when the entire oral and documentary evidence had been appreciated by the Court while determining the guilt of the accused. It was held that the nature of the injury inflicted is not by itself determinative; rather, the intention or knowledge of the person inflicting the injury is the relevant factor. The present case, however, arises out of an order framing charge. At this stage, the Court is not required to meticulously appreciate the evidence or



record findings on the credibility or probative value of the material collected during investigation. The Court is only required to ascertain whether the material on record discloses a prima facie case or raises a strong suspicion regarding the commission of the alleged offences.

9. Similarly, reliance has been placed upon the judgment of this Court in **Jasbir Singh v. State of Punjab**, 2006 (4) RCR (Criminal) 902, wherein it was held that merely because the injury ultimately proved to be simple in nature would not by itself exclude the applicability of Section 307 of the Indian Penal Code, 1860 (corresponding to Section 109 of the Bharatiya Nyaya Sanhita, 2023). The Court observed that the intention or knowledge of the accused is to be gathered from the nature of the weapon used, the part of the body targeted and the attending circumstances. In the said case, where the accused had inflicted a sword blow on the head of the victim, the charge under Section 307 IPC was held to be justified. The ratio of the said judgment is applicable to the facts of the present case, where the prosecution has alleged that the petitioners inflicted a sword/Kirpan blow on the head of the complainant with the intention to kill him.

10. Learned State counsel has further relied upon the judgment of this Court in **Beni Parshad and others v. State of Haryana**, 2007 (1) RCR (Criminal) 759, wherein it was held that the essence of an offence punishable under Section 307 of the Indian Penal Code, 1860 (corresponding to Section 109 of the Bharatiya Nyaya Sanhita, 2023) lies not merely in the nature of the injury sustained but in the intention or knowledge with which the act was committed. The Court observed that the relevant consideration is whether, had death ensued as a consequence of the act, the accused would have been guilty



of murder. It was further held that at the stage of framing of charge, the Court is only required to examine whether the material on record discloses a prima facie case against the accused. The Court cannot undertake a meticulous appreciation of the evidence or enter into a complicated process of reasoning to discard the prosecution version at the threshold. The aforesaid principle squarely applies to the facts of the present case.

11. Learned counsel for the petitioners has further contended that, as per the status report submitted by the State, the Medical Officer, while examining the two Kirpans/swords produced before him in sealed parcels (pulandas), opined that the injuries mentioned in MLR No. SG/26/23 could not have been sustained by the said weapons, as both the weapons had blunt edges on either side. It is submitted that the prosecution case itself is that the aforesaid Kirpans were recovered at the instance of two of the petitioners pursuant to their disclosure statements and were thereafter taken into police possession and sent for medical opinion. Therefore, according to the petitioners, once the Medical Officer has categorically opined that the injuries could not have been caused by the recovered weapons, the alleged recoveries stand disconnected from the occurrence, thereby rendering the prosecution version doubtful.

12. The said contention, however, does not merit acceptance at this stage. The opinion of the Medical Officer only indicates that the injuries mentioned in the MLR could not have been caused by the two Kirpans produced before him. Such an opinion, by itself, does not conclusively establish that no offence was committed by the petitioners. At the highest, it may indicate that the recovered Kirpans were not the weapons actually used in



the commission of the offence or that the weapons allegedly used were different from those subsequently recovered during investigation. Whether the recoveries are genuine and whether the recovered weapons were in fact used in the occurrence are disputed questions of fact, which can only be determined after appreciation of the evidence during trial. It is well settled that at the stage of framing of charge, the Court is not required to conduct a mini trial or meticulously evaluate the evidentiary value of the material collected during investigation. The Court is only required to ascertain whether the material on record discloses a prima facie case or raises a strong suspicion regarding the commission of the alleged offences.

13. In view of the foregoing discussion and having considered the entire material available on record, this Court is of the considered opinion that the learned Additional Sessions Judge, Karnal, has rightly found that a prima facie case exists against the petitioners for framing of charges under Sections 307, 323, 324, 34 and 506 of the Indian Penal Code, 1860 (corresponding to Sections 109, 115(2), 118(1), 3(5) and 351(2) BNS, 2023 as well as Section 25 of the Arms Act, 1959. This Court does not find any illegality, perversity or material irregularity in the impugned order dated 18.04.2026 passed by the learned Additional Sessions Judge, Karnal, warranting interference in the exercise of revisional jurisdiction. Consequently, finding no merit in the present revision petition, the same is hereby **dismissed**.

(VIRINDER AGGARWAL)
JUDGE

29.07.2026

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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>