

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

2026:PHHC:110368



120

CRR No. 178 of 2021 (O&M)
Date of decision : 14.08.2026

Kamaljit Singh

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Digvijay Manchanda, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

Mr. Dinesh Nagar, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present criminal revision petition has been filed by the petitioner-Kamaljit Singh challenging the order dated 06.02.2020 passed by the Court of learned Additional Sessions Judge/Special Court, Shaheed Bhagat Singh Nagar, in case arising out of FIR No. 45 dated 11.05.2019, registered at Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar, under Sections 307, 324, 452, 427, 506, 148 and 149 of IPC, whereby charges under Sections 307, 324, 452, 427, 506 and 148 of IPC were framed against the petitioner and his co-accused. The petitioner seeks setting aside of the said order and the consequential charge-sheet.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the statement of complainant Surjit Lal alleging therein that on 11.05.2019 at about 4:40 p.m., he was present in his house along with his wife Kamla Devi and daughter Jaswinder Rani. The main gate of the house was closed. At that time, four women entered into the house by pushing open the gate. They were accompanied by four young men and an elderly man, including the petitioner-Kamaljit Singh, who was carrying a *kirpan*, while the other young men were carrying *gandasas*. The women scuffled with Jaswinder Rani and forcibly took her towards the gate. When the complainant tried to intervene, the accused started locking the house. At that stage, the petitioner attacked Jaswinder Rani with the *kirpan*. In order to save herself, she raised her right hand and the blow landed on her right hand. Thereafter, the young men accompanying the petitioner, armed with *gandasas*, also attacked Jaswinder Rani, causing an injury on her left arm. The accused also picked up bricks and stones and caused damage to the rear windscreen of the complainant's Maruti car. On the raising of alarm, people from the village gathered and the accused fled from the spot after extending threats to kill the complainant and his family. It was alleged that the petitioner along with his accomplices had entered into the house with an intention to kill and had caused injuries to Jaswinder Rani. The reason for the occurrence was a dispute relating to a house purchased by the complainant's family from the petitioner.

3. The injured was initially declared unfit to give her statement. The statement of her father, Surjit Lal, was thereafter recorded, on the basis of

which the FIR was registered. The police inspected the place of occurrence, prepared the site plan and took the relevant vehicles and other articles into possession. Statements of witnesses under Section 161 Cr.P.C. were recorded. During investigation, the petitioner and other accused were arrested and recoveries of the weapons used in the occurrence were effected. The injured Jaswinder Rani was also examined and her blood-stained clothes were taken into possession. The X-ray report subsequently indicated that the injuries were normal/simple.

4. On completion of the investigation, the police presented the final report under Section 173 Cr.P.C. against the petitioner and his co-accused for offences under Sections 452, 307, 324, 506, 427, 148 and 149 IPC before the Court. After hearing the parties and perusing the material available on record, the learned trial Court found a prima facie case under Sections 307, 324, 452, 427, 506 and 148 of IPC and framed charges against the accused on 06.02.2020. The petitioner pleaded not guilty and claimed trial. Aggrieved from the order framing charges under the aforementioned provisions, the petitioner has filed the present petition.

5. It is argued by learned counsel for the petitioner that the impugned order framing charge against the petitioner is not sustainable in the eyes of law to the extent whereby charge under Section 307 of IPC was framed against him. It is further argued that a plain reading of the FIR would show that although the petitioner is alleged to have attacked Jaswinder Rani with a *kirpan*, there is no allegation therein showing any intention to kill her. Learned counsel submits that the blow attributed to the petitioner landed on the right

hand of the injured when she raised it to save herself. It is further argued that the medical record does not support the charge under Section 307 of IPC. As per the MLR/X-ray report, the injured had suffered two injuries and both were ultimately declared simple in nature. The injury attributed to the petitioner is shown as a sharp injury falling within the ambit of Section 324 of IPC. None of the injuries was declared grievous or dangerous to life. It is also submitted that the intention or knowledge necessary for attracting Section 307 of IPC has to be gathered from the surrounding circumstances. In the present case, the alleged blow was on a non-vital part of the body and only a single injury is attributed to the petitioner. It is, therefore, urged that the learned trial Court failed to properly appreciate the material on record while framing the charge under Section 307 of IPC. Hence, it is urged that the petition deserves to be accepted and the impugned order to the extent as mentioned above is liable to be set aside.

6. On the other hand, learned State counsel, assisted by learned counsel for the complainant, has opposed the prayer for the petitioner by submitting that there is no infirmity or illegality in the impugned order as the learned trial Court has rightly framed the charges after considering the FIR, the medical evidence and the material collected during investigation. It is submitted that the petitioner, along with the co-accused, is specifically attributed the act of entering the house of the complainant while armed with a *kirpan* and attacking Jaswinder Rani. Learned State counsel submits that the prosecution material contains an allegation that the accused had entered the house with an intention to kill the complainant party and had caused injuries to

Jaswinder Rani. The investigation further resulted in recovery of the weapon allegedly used by the petitioner and statements of the injured and other witnesses were recorded under Section 161 Cr.P.C. At the stage of framing of charge, the Court is only required to see whether the material on record discloses a prima facie case and a detailed appreciation of evidence is not warranted. The learned trial Court, after considering the material collected during investigation, found a prima facie case under the charged sections and accordingly framed the charges. No interference is called for in the present revision petition. Hence, it is urged that the petition is liable to be dismissed.

7. This Court has heard the rival submissions.

8. Now, the question that arises for consideration by this Court is whether the learned trial court was justified in framing charge under Section 307 of IPC along with other provisions against the petitioner and co-accused or not? At this state, it would be appropriate to refer to Section 307 of IPC, which reads as under :

"307. Attempt to murder. – whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.

Attempts by life-convicts.- When any person offending under this section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death."

9. Further, the essential ingredients required to be proved in the case of an offence under Section 307 of IPC are:-

- "(i) that the death of a human being was attempted:
- (ii) that such death was attempted to be caused by, or in consequence of the act of the accused; and
- (iii) that such act was done with the intention of causing death; or that it was done with the intention of causing such bodily injury as:
 - (a) the accused knew to be likely to cause death; or
 - (b) was sufficient in the ordinary course of nature to cause death, or that the accused attempted to cause death by doing an act known to him to be so imminently dangerous that it must in all probability cause (a) death, or (b) such bodily injury as is likely to cause death, the accused having no excuse for incurring the risk of causing such death or injury."

10. Reference, at this stage, can be made to the authority cited as ***Hari Singh v. Sukhbir Singh and others, 1988 4 SCC 551***, wherein the Hon'ble Supreme Court has held that under Section 307 of the IPC, 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 the provision. The intention or knowledge of the accused must be such as is necessary to constitute murder. Without this ingredient being established, there can be no offence of "attempt to murder". Under Section 307 of IPC, the intention precedes the act attributed to accused. Therefore, the intention is to be gathered from all circumstances, and not merely from the consequences that ensue. It has been further held that the nature of the weapon used, manner in which it is used, motive for the crime, severity of the blow, the part of the body where the injury is inflicted

are some of the factors that may be taken into consideration to determine the intention. Reliance can also be placed upon ***State of Maharashtra v. Kashirao and others, (2003) 10 SCC 434***, wherein the Hon'ble Supreme Court held that for the application of Section 307 of IPC, it is not necessary that the injury capable of causing death should have been actually inflicted. The injuries sustained, the manner of assaults and the weapons used clearly make out a case of Section 307 of the IPC.

11. Reference can also be made to ***Parsuram Pandey and others v. State of Bihar, (2004) 13 SCC 189***, wherein Hon'ble Supreme Court has held that to constitute an offence under Section 307 of IPC, two ingredients of the offence must be present i.e. (a) an intention of or knowledge relating to commission of murder; and (b) the doing of an act towards it. What is clear from the above is that for the purpose of Section 307 of IPC, it is the intention which is material as well as the knowledge and not the consequence of the actual act done for the purpose of carrying out the intention. The section clearly contemplates an act which is done with intention of causing death but which fails to bring about the intended consequence on account of intervening circumstances. The intention or knowledge of the accused must be such as is necessary to constitute murder. In the absence of intention or knowledge which is the necessary ingredient of Section 307 of IPC, there can be no offence "of attempt to murder" and the intent which is a state of mind cannot be proved by precise direct evidence, as a fact it can only be detected or inferred from other factors.

12. Similarly, Hon'ble Supreme Court in ***Jage Ram and others v. State of Haryana, (2015) 11 SCC 366*** has laid down the ingredients of the offence under Section 307 of IPC and held as under: -

"12. For the purpose of conviction under Section 307 IPC, prosecution has to establish (i) the intention to commit murder; and (ii) the act done by the accused. The burden is on the prosecution that the accused had attempted to commit the murder of the prosecution witness. Whether the accused person intended to commit murder of another person would depend upon the facts and circumstances of each case. To justify a conviction under Section 307 IPC, it is not essential that fatal injury capable of causing death should have been caused. Although the nature of injury actually caused may be of assistance in coming to a finding as to the intention of the accused, such intention may also be adduced from other circumstances. The intention of the accused is to be gathered from the circumstances like the nature of the weapon used, words used by the accused at the time of the incident, motive of the accused, parts of the body where the injury was caused and the nature of injury and severity of the blows given, etc."

13. On applying the above discussed proposition of law to the facts of the present case, it is revealed that the petitioner is specifically alleged to have entered the house of the complainant along with his co-accused, while armed with a *kirpan*, and attacked injured Jaswinder Rani. The FIR specifically records that the petitioner attacked the injured with the *kirpan* and that she raised her right hand in an attempt to save herself, resulting in the blow landing on her hand. It is also alleged that the petitioner and his accomplices had entered the house with an intention to kill and thereafter fled from the spot

after extending threats to the complainant and his family. It is true that the injuries suffered by the injured were subsequently found to be simple in nature and were caused by a sharp-edged weapon. However, the nature of injury alone cannot be the sole basis for deciding whether an offence under Section 307 of IPC is made out. The intention of the accused has to be gathered from the weapon used, the manner of assault, the part of the body targeted, the circumstances in which the occurrence took place and other surrounding circumstances.

14. In the present case, the petitioner is alleged to have used a *kirpan* while entering the house of the complainant along with several other accused, who were also armed with *gandasas*. The allegation is not of a mere quarrel or a chance occurrence. As per the FIR, the accused persons entered the house by pushing open the main gate and the petitioner thereafter attacked Jaswinder Rani with the *kirpan*. The allegation regarding intention to kill is also specifically mentioned in the FIR. Thus, at this stage, the material on record cannot be said to be completely lacking so as to rule out the possibility of the requisite intention or knowledge. The fact that the injury was caused on the hand of the injured when she raised it to protect herself, or that the injury was ultimately found to be simple, may be relevant considerations during the course of trial. However, these circumstances, by themselves, are not sufficient to conclude at the stage of framing of charge that Section 307 of IPC is not attracted. The prosecution is required to be given an opportunity to establish its case by leading evidence.

15. It is also relevant that during investigation the weapon allegedly used in the occurrence was recovered and statements of the injured and other witnesses were recorded. The learned trial Court, after considering the material collected during investigation, found a prima facie case against the petitioner and his co-accused and accordingly framed the charges. At the stage of framing of charge, the Court is not required to conduct a detailed appreciation of evidence or to examine whether the prosecution would ultimately succeed at trial. This Court, therefore, finds that the material available on record, when considered as a whole, discloses sufficient grounds to proceed against the petitioner under Section 307 of IPC. The submissions made by learned counsel for the petitioner essentially relate to the appreciation of the evidence and the inference to be drawn from the nature of injuries, which can appropriately be considered by the learned trial Court after the evidence is led. At this stage, no ground is made out for interfering with the order framing charge.

16. In view of the above discussion, this Court finds no illegality or infirmity in the impugned order dated 06.02.2020 passed by the learned trial Court. The present petition is, accordingly, dismissed.

17. It is, however, clarified that the observations made herein are only for deciding the present petition and shall not affect the merits of the case during trial.

14.08.2026

Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No