



2026:UHC:4325

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPCRL No. 567 of 2024</u> <u>WPCRL No. 585 of 2024</u> <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Mahendra Singh Rawat, learned counsel for the petitioners. 2. Mr. Zoheb Hossain (through V.C.) and Mr. Atul Bahuguna, learned counsel for the respondents. 3. These two petitions have been moved by the petitioners Banmeet Singh and Amarpreet Kaur, the wife of Banmeet Singh. In WPCRL No. 567 of 2024 filed by Banmeet Singh initially the petitioner prayed for quashing of ECIR/DNSZO/402023 with all other consequential proceedings but subsequently by way of an amendment he also prayed for quashing of complaint dated 26.07.2024 arising out of the aforesaid ECIR and also prayed for quashing of cognizance order dated 27.07.2024 as well as the order of framing charge dated 22.03.2025. In WPCRL No. 585 of 2024 almost the same relief has been sought. 4. Mr. Zoheb Hossain, learned counsel for the Directorate of Enforcement, submits that in respect of another co-accused Parvinder Singh a Criminal Revision No. 218 of 2025 was filed, wherein, the cognizance order arising out of the same ECIR was challenged, wherein, a plea of first proviso to Section 223 of BNSS, 2023 was taken, which mandates pre-cognizance hearing which was not given to the revisionist, Coordinate Bench dismissed the said revision on 19.05.2025 in the light of Section 531(2)(a) of BNSS, 2023, which saves criminal proceeding initiated prior to the commencement of BNSS, 2023. The judgment of the Coordinate Bench dated 19.05.2025 passed in Criminal Revision No. 218/2025 was assailed by the Parvinder Singh before the Hon'ble Apex Court by way of SLP (Crl.) No. 12055 of 2025 and after dealing with all the provisions the Hon'ble Supreme Court set-aside the judgment of the Coordinate Bench as well as the cognizance order



			by order dated 19.05.2026 in paragraph 38 to 40 observed as under: “38. Based on the above discussion, the views expressed by the High Cour are, therefore, liable to be set aside. We do find that the allegations against the appellant are quite serious. However, non-compliance wit the first proviso to Section 223(1) of the BNSS vitiates the very under taking cognizance, and the same cannot be sustained in the eyes of the law. In fact, the appellant has, at the earliest point in time, filed the application for recall of the order taking cognizance by placing reliance upon the said proviso. Had the Special Court allowed it, the trial would have proceeded further. Suffice it to state that the appellant cannot be faulted for any delay that has occasioned. 39. For the foregoing reasons, the impugned judgment of the High Court dated 19.05.2025 and the order taking cognizance by the Special Court dated 02.07.2024 stand set aside. 40. The Special Court is directed to afford an opportunity of hearing to the appellant by proceeding from the stage of taking cognizance. The aforestated exercise must be completed within a period of 8 weeks from the date of receipt of a copy of this judgment.” 5. Now, Mr. Zoheb Hossain submits that in the light of the judgment passed by the Hon’ble Apex Court dated 19.05.2026 in the SLP of the co-accused Parvinder Singh both these petitions may also be disposed of since admittedly both the petitioners Banmeet Singh and his wife Amarpreet Kaur Chawla also deserves for pre-cognizance hearing in terms of Section 223(1) of BNSS, 2023. 6. Learned counsel for the petitioner also submits that let both the petitions be disposed of in the light of the judgment of the Hon’ble Apex Court dated 19.05.2026. 7. In such view of the matter both the petitions are disposed of by setting aside the order of cognizance with the following directions: The Special Court is directed to afford an opportunity of hearing to both the petitioners Mr. Banmeet Singh and Amarpreet Kaur Chawla by proceeding from the stage of cognizance and the entire exercise must be completed within a period of eight weeks from the date of presentation of
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			certified copy of this order. 8. It is made clear that the petitioners are free to take all plea during the course of giving an opportunity of hearing by the Special Court. This order will not prejudice the rights of the petitioners to avail appropriate remedy as per law after cognizance. 9. No order as to costs. (Rakesh Thapliyal, J.) 30.05.2026 PR
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