



CRM-M-5040-2025

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

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CRM-M-5040-2025

Date of decision: 24.07.2025

Vikram and another

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. G.S. Bhullar, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as the 'BNSS, 2023') seeking directions to respondent Nos.1 to 4 to ensure a fair, transparent, and impartial investigation in respect of FIR No.70 dated 22.10.2024 registered under Sections 281, 106(1), 125(A), 324(4) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Singh Bhagwantpur, District Rupnagar as respondent No.5, who is the Investigating Officer, is allegedly extending undue assistance to the accused persons and is willfully failing to conduct the investigation in an objective and unbiased manner.

2. The brief facts of the case as narrated in the present petition are that on 22.10.2024, the petitioner No.1 alongwith his acquaintances namely Saurav (son of Ram Niwas), Sanjeev son of Suresh, Shubham son of Sunil and one Priyanka was returning from the State of Himachal Pradesh in a white swift car bearing registration No.HR-72A-6609, owned by petitioner No.2. While approaching village Brahman Majra, the said vehicle was struck by a truck-trailer, being driven rashly and negligently by an



unidentified driver, resulting in a severe accident. Due to the impact, Saurav, the brother of the petitioner No.2 succumbed to his injuries on the spot; petitioner No.1 sustained oral injuries while Sanjeev suffered fractures in his left arm and collarbone and Shubham sustained fracture in his left thigh. The injured persons were taken to Civil Hospital, Rupnagar where Saurav was declared dead and his post mortem examination was conducted on the same day i.e. 22.10.2024. Based on the statement of petitioner No.1, an FIR was registered against an unknown driver. Thereafter, the investigation was entrusted to respondent No.5 i.e. the Investigating Officer. However, despite repeated follow-ups, the respondent No.5 failed to conduct a fair and impartial investigation by citing his inability to trace the offending vehicle or its driver. Dis-satisfied with the lack of progress, the petitioners themselves conducted their own inquiry in the vicinity of the accident site. Upon inspecting CCTV footage from residential premises, they identified the offending vehicle as a truck-trailer bearing registration No.PB-65BH-5421. The petitioners immediately brought this crucial evidence to the notice of respondent No.5 and requested appropriate legal action against the driver. However, the respondent No.5 adopted a negligent and indifferent attitude and took no action against the driver of the said vehicle which necessitated the petitioner to submit a written representation to respondent No.3, detailing the facts and seeking intervention. However, no action ensued. Subsequently, another representation was submitted via registered post on 28.12.2024 to senior police officials reiterating the same grievance but no action has been taken which compelled the petitioners to approach this Court.



2.1. Learned counsel for the petitioner has iterated that the respondent No.5, who is the investigating officer, is willfully shielding the culprit by extending undue favour to the owner of the truck-trailer in question, who is stated to be an influential individual and is personally known to respondent No.5. Owing to this, the driver of the said vehicle, despite the availability of direct and cogent evidence against him, has not been arrayed as an accused in the FIR. It has further been submitted by learned counsel that the investigation has been carried out by respondent No.5 is neither fair nor impartial and appears to be tainted with bias and extraneous consideration. Furthermore, the action of respondent No.5 in the face of material evidence indicate that he is acting in collusion with the accused thereby subverting the course of justice. On the basis of the aforementioned submissions, the grant of the instant petition is entreated for.

3. Conversely, learned State counsel has opposed the grant of instant petition by arguing that the investigation in the case has been completed and the final report has been submitted before the competent Court of jurisdiction on 04.07.2025. According to learned State counsel, the apprehensions expressed by the petitioners are wholly misconceived, unfounded and devoid of any merit. Learned State counsel has further submitted that the allegations levelled against respondent No.5 are baseless and appear to have been made with intent to malign his professional integrity. On the strength of these submissions, dismissal of the petition in hand is sought for.

4. I have heard learned counsel for the rival parties and have perused the paper-book.



5. It would be apposite to refer herein to a judgment of this Court passed in **CRM-M-34678-2024** titled as **AXXX vs. vs. State of Punjab and others**, decided on 31.07.2024; relevant whereof reads as under:-

“11. As a sequel to above rumination, the following postulates of law emerge:

I. An Illaqa/Jurisdictional Magistrate has; by virtue of Sections 173 and 175 of BNSS, 2023; the necessary powers and jurisdiction to grant plea(s) for issuance of direction(s) for registration of an FIR, monitoring of investigation in an FIR, change of investigating officer and prayer(s) of alike nature.

II. Ordinarily, an applicant/complainant ought to approach, in the first instance, the Court of Illaqa/Jurisdictional Magistrate to seek prayer(s) for issuance of direction(s) for registration of an FIR, monitoring of investigation in an FIR as also other prayers of akin nature.

III. In a given case, if the facts/circumstances so warrant, the High Court is well within its jurisdiction to entertain and consider plea(s) seeking registration of an FIR, monitoring of investigation in an FIR, constituting an SIT (Special Investigating Team), change of investigating officer & all such prayer(s) of such kind and nature. However, it would be prudent that an applicant/complainant, while seeking to invoke the jurisdiction of a High Court under Section 528 of BNSS, 2023 in the first instance seeking prayer(s) of above nature, shows sufficient cause for not having approached the Illaqa/Jurisdictional Magistrate in the first instance.

IV. A High Court, in its inherent jurisdiction under Section 528 of BNSS, 2023 has unbridled, unfettered and plenary powers. The only restriction on exercise of such powers is self-restraint. No inflexible and comprehensive guidelines can conceivably be enumerated governing the exercise of these intrinsic powers by a High Court under Section 528 of BNSS, 2023. There is no gainsaying that the nature, mode and extent of such exercise of powers by a High Court under Section 528 of BNSS, 2023 shall depend upon the judicial discretion exercised by a High Court in the facts and circumstances of a given case.”

6. The prime prayer made in the petition is the issuance of appropriate directions for ensuring a fair, transparent and impartial investigation in respect of the FIR *ibid*, as it is alleged that respondent No.5 has adopted a negligent and indifferent approach towards the investigation.



It appears that the investigation in FIR *ibid* has been conducted by respondent No.5 in accordance with law. Mere dis-satisfaction of the petitioners with the outcome of certain investigative steps does not *ipso facto* render the investigation partial or collusive. There exists no material on record to substantiate the claim of the petitioners of any nexus between respondent No.5 and the owner or driver of the truck in question. No such accentuating facts/circumstances have been brought forward by the petitioners which may warrant interference by this Court under Section 528 of BNSS, 2023. Accordingly, this Court does not find the present case a fit one for exercise of its jurisdiction under Section 528 of BNSS, 2023.

7. The jurisdiction conferred upon this Court under Section 528 of the BNSS is of an extraordinary and discretionary character, necessitating careful and judicious invocation. It is a trite principle of law that such jurisdiction is not to be exercised in routine or perfunctory matters, but solely in circumstances that unequivocally warrant the intervention of the Court to prevent manifest injustice or irreparable harm. The Court, in the exercise of its extraordinary powers, is not a forum for speculative grievances or unsubstantiated apprehensions. Mere averments or generalized prayers, such as those seeking directions for impartial investigation, are insufficient to compel the Court to intervene. The petitioners bear a fundamental and onerous obligation to substantiate their allegations with cogent, credible, and prima facie evidence that demonstrates a real and immediate threat or an act of injustice requiring redress. It would be appropriate to refer herein to an age old adage:

“Judicial judgment must be informed and guided by the evidence on record; speculation or surmises has no place in the Court of Law”



It is well-settled that the extraordinary jurisdiction of the Court is intended to supplement, not supplant, the ordinary remedies available under the general law. This jurisdiction is inherently constrained by the principles of judicial propriety and is invoked only where there exists no efficacious alternative remedy, or where failure to act would result in the miscarriage of justice. Absent sufficient material or evidentiary basis, the Court cannot be compelled to act merely on the asking of petitioners. To do so would undermine the very sanctity and purpose of its extraordinary jurisdiction, reducing it to a mechanism for frivolous or unwarranted claims. In the present instance, the lack of substantive evidence negates any justification for the exercise of such powers, and the Court finds no occasion to intervene in the absence of a clear and compelling case.

8. Accordingly, the instant petition filed under Section 528 of BNSS, 2023 stands dismissed. Needless to state herein that this Court has not delved into the merits of the matter and the same is left open to be considered in appropriate proceedings, if so initiated.

9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 24, 2025
Ajay

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