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

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Decided on: 28.11.2025

PAWAN KUMAR

.....Petitioner

Versus

STATE OF PUNJAB AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Abhinav Gupta, Advocate for the petitioner.

Mr. Gunjan Mehta, Addl. A.G., Punjab.

Mr. Gaurav Garg Dhuriwala, Advocate for respondent No.3.

SANJAY VASHISTH, J.

1. Instant petition has been filed under Section 528 of the BNSS, seeking directions to respondent No. 2—Director General of Police, Punjab, to take appropriate action against the delinquent officer, respondent No. 3-Rupinder Kaur Bhatti, for allegedly falsely implicating petitioner-Pawan Kumar, as an accused in FIR No. 221 dated 01.10.2024, registered at Police Station City Phagwara under Sections 351(2), 115(2), and 126(2) of the BNS, 2023.

Petitioner has also prayed for directions to take action on his representation dated 28.01.2025 (Annexure P-11) and for the constitution of a Special Investigation Team (SIT) after examining the CCTV footage from the period 31.08.2024 to 09.09.2024 of the office of SP, Phagwara, as well as the CCTV footage of Phagwara bus stand.

2. Upon hearing the petitioner on 10.03.2025, following was noticed:

“ By reading out the order dated 11.02.2025 passed by learned Sub Divisional Judicial Magistrate, Phagwara, learned State counsel submits that required CCTV footage of the CIA staff Phagwara, District Kapurthala and Police



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Station City, Phagwara has already been preserved by the police and there is no CCTV cameras ever installed at the office of SP Phagwara and Bus Stand, Phagwara.

After examining the CCTV footage, an additional report thereto would be submitted before the concerned Court, which would be considered alongwith cancellation report, final decision over which is yet to be taken by the Magistrate.

The Senior Superintendent of Police, Kapurthala would ensure that the CCTV footage shall remain intact.

To enable learned State counsel to apprise the Court about further progress in the case, adjourned to 29.04.2025.

In the meanwhile, concerned Magistrate would take final decision over the cancellation report, in accordance with law.

A photocopy of this order be placed on the file of another connected case.”

3. Thereafter, on 29.04.2025, during the course of hearing, counsel representing respondent-State produced copies of the orders dated 15.04.2025 and 17.04.2025 passed by the Court of learned SDJM, Phagwara, and same were taken on record. However, on being informed that the cancellation report already stands submitted before the learned Magistrate, direction was issued to examine the report and thereon, to take a final decision on it. Order dated 29.04.2025 reads as under:

“ Learned Additional Advocate General, Punjab has produced copy of orders dated 15.04.2025 and 17.04.2025 passed by learned Sub Divisional Judicial Magistrate, Phagwara. Same is taken on record. Registry is directed to tag the same at appropriate place with paper-book. After going through the zimni orders(supra), this Court draws the impression that the finalization of the decision over the



cancellation report despite the additional report having been received by the Magistrate is delayed because of filing of the application at the instance of accused and proceedings are now informed to be fixed for 02.05.2025.

Let a final decision be taken on the cancellation report, by taking into consideration the reports available before the Magistrate, within two weeks from the date of receipt of copy of this Court. Magistrate would also examine whether application moved by any accused at such a stage is maintainable or not.

Adjourned to 16.07.2025, for consideration.

A photocopy of this order be placed on the file of another connected case.”

4. On the next date of hearing, i.e., 16.07.2025, this Court was apprised that a final decision on the cancellation report had already been taken, and that while doing so, application moved by the petitioner had also been considered. It was therefore, submitted that, in view of the FIR having been finalized by acceptance of the cancellation report, instant petition is not maintainable for the reliefs sought by the petitioner before this Court.

A copy of the order dated 05.05.2025 was produced before this Courts & on examining the same, it was noticed that already detailed order has been passed, dealing with the issues of preservation of CCTV footage as well as tower location.

Since the cancellation report already stand accepted by the Court of learned SDJM, Phagwara, vide order dated 05.05.2025, it was also observed that such an application was not even maintainable.

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5. Nevertheless, Mr. Abhinav Gupta, Advocate, still presses upon the prayer made in the instant petition for invoking the inherent jurisdiction vested with this Court under Section 528 of the BNSS, submitting that petitioner has been subjected to extreme humiliation by falsely implicating him as an accused. Further submits that it is only after petitioner once raised his voice, saying that, in the face of compelling circumstances and in the absence of any substance or evidence to support the allegations against him, a cancellation report has ultimately been submitted by the State.

Therefore, it is urged that, in exercise of inherent powers, this Court should examine the reasons behind the registration of FIR and false implication of petitioner, and consequently, appropriate action against the wrongdoer by directed

6. On the other hand, Mr. Gunjan Mehta, Additional Advocate General, Punjab, submits that in pursuance to the order dated 11.02.2025 passed by this Court, CCTV footage from the CIA Phagwara and Police Station City Phagwara has already been preserved, and that, no cameras were found installed at the SP Office or the Bus Stand. Further states that, necessary instructions have already been issued to the SSP, Kapurthala, to keep the preserved footage intact. Thus, respondents counsel jointly submit that the relief sought by the petitioner through the instant petition already stands addressed.

Respondents further point out that, order of acceptance of the cancellation report is also subject matter of the revision petition filed

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by the complainant before the Court of Sessions and same is pending adjudication. In the said revision petition, even petitioner has also been issued notice. Therefore, matter being still sub judice before the competent Court, there is no scope for parallel adjudication before this Court.

Lastly, learned counsel for the respondents submit that the inherent powers vested with the High Court under Section 528 of the BNSS are not meant to be invoked for such a claim, especially where petitioner would be required to lead evidence to substantiate his contentions or allegations. Accordingly, they pray that the petition be dismissed.

7. I have considered the submissions addressed by learned counsel for the respective parties and have also gone through the documents placed on record, including those appended with the application CRM-22301-2025.

8. The admitted position is that petitioner was initially arrayed as an accused in FIR No. 221 dated 01.10.2024, registered at Police Station City Phagwara under Sections 351(2), 115(2), and 126(2) of the BNS. After investigation, and likely due to the absence of substantial evidence, a cancellation report was submitted before the competent Court. It is also beyond doubt that the authority competent to decide the fate of the cancellation report is the Magistrate concerned, and not the High Court by exercising jurisdiction under Section 528 of the BNSS. Cancellation report has already been considered and accepted by the

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learned Magistrate after examining the protest petition filed by the complainant.

9. Furthermore, pursuant to the directions issued by this Court, application submitted by petitioner has also been entertained and decided by the learned Magistrate along with the cancellation report vide order dated 05.05.2025. The final order accepting the cancellation report is now the subject matter of a revision petition, in which notice has been issued to the petitioner also.

In view of the circumstances discussed above, including the submissions addressed before this Court and the material on record, it is evident that the issues raised in the instant petition can't be adjudicated by this Court while exercising jurisdiction under Section 528 of the BNSS, particularly when the petitioner has not exhausted the statutory or alternative remedies available to him. Accordingly, instant petition stands dismissed.

10. However, it will be open for the petitioner to avail any other remedy, if available to him in law, before an appropriate forum.

11. Disposed of.

(SANJAY VASHISTH)
JUDGE

November 28, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**