



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

CRM-M-11359-2025
Date of decision: 28.02.2025

GURMEET SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Arora, Advocate
for the petitioner.
Mr. Subhash Godara, Additional Advocate General, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of rapats No.22 dated 17.09.2024 (Annexure P-12) and 19 dated 19.11.2024 (Annexure P-13) registered at Police Station Fatehgarh Panjtoor recorded on the strength of subsequent inquiry dated 13.09.2024 (Annexure P-11) conducted by respondent No.3 in cross case bearing G.D. No.002 dated 16.09.2023 registered under sections 307/323/336/148/149 IPC and 25/27 Arms Act at Police Station Fatehgarh Panjtoor, whereby respondent Nos.5 to 9 have been declared innocent.

2. Learned counsel for the petitioner *inter alia* contends that it is a case of version and cross-version. Initially, DDR No.2 dated 16.09.2023 was registered and in the cross-version, the petitioner suffered gun-shot injuries and his sister was administered poisonous substance and the allegations made by the petitioner, in the cross-version are duly corroborated by the medical evidence. He further contends that there is sufficient material, which has been handed over to the investigating officer. However, under the influence of



private respondents, the jurisdictional police authorities embarked upon a second inquiry, which is not permissible in the eyes of law. He submits that the private respondents have been exonerated during the inquiry and declared innocent in the cross-version, in spite of the fact that their anticipatory bail was dismissed by this Court and there is a conclusive proof of their complicity.

3. *Per contra*, learned State counsel submits that the investigation is complete and final report under Section 193 BNSS, 2023 has been submitted before the jurisdictional Court and now, the trial Court is seized of the matter.

4. Having heard learned counsel for the parties and after perusal of the record of the case with their able assistance, without commenting further on the veracity of the allegations, the present petition is disposed of with a direction to the learned trial Court to consider all the reports including the first inquiry report strictly in terms of the judgment passed by the Hon’ble Supreme Court in ***Vinay Tyagi vs. Irshad Ali @ Deepak and others (2013) 5 SCC 762***. Further in case, the petitioner has any objection, he will file his detailed written objections pointing lapses and shortcomings in the investigation and the learned trial Court is directed to pass an appropriate order in terms of the judgment rendered by this Court in ***Pawan Kharbanda vs. State of Punjab and another*** in ***CRM-M-3193 of 2025 (O & M)*** decided on 29.01.2025 within eight weeks.

5. Disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

February 28, 2025
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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |