



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

CRM-M-14476-2025
Date of decision: 01.05.2025

SUNIL NAGPAL

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shantanu Bansal, Advocate for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 16.12.2024 (Annexure P-9) passed by learned Judicial Magistrate Ist Class, Hoshiarpur in case stemming from FIR No.338 dated 21.11.2019 registered under Sections 420/408 of IPC at Police Station Model Town, District Hoshiarpur (Annexure P-1), whereby the second cancellation report has been rejected and further investigation has been ordered.

2. Learned counsel for the petitioner *inter alia* contends that the FIR (*supra*) was registered on 21.11.2019 and the investigating officer has examined the veracity of the allegations and concluded that the allegations levelled by the complainant/respondent No.2 are not correct and he filed the cancellation report before the jurisdictional Court. During investigation, the complainant was duly associated and liberty was granted to him to produce witnesses or any other evidence, which is in his knowledge. However, after presentation of the cancellation report, respondent No.2 availed 17 opportunities as discernible from the copy of *zimni* orders, available on record



as Annexure P-6. Thereafter, respondent No.2 appeared and objected to the cancellation report. The learned jurisdictional Court, on his objection, directed further investigation for the second time vide order dated 16.12.2024 (Annexure P-9). The investigating officer presented second cancellation report on 24.04.2023 and respondent No.2 again adopted the same tactics and took 20 opportunities. Learned counsel further submits that the act and conduct of respondent No.2 is not only against the principal of equity but also against the settled proposition of law. Thereafter, learned jurisdictional Court again directed further investigation merely on the basis of statement made by the complainant/respondent No.2 that he is not satisfied with the outcome of the investigation and respondent No.2 has further stated that he has not been associated second time in the investigation. He submitted that the impugned order has been passed without following the guidelines issued by this Court in ***Pawan Kharbanda Vs. State of Punjab and another, CRM-M-3193 of 2025*** He further submits that the law in this regard is well settled that the jurisdictional Court, while considering the reports filed by the investigating agency, cannot compel it to adopt a particular view for saving a particular party in the matter. As such, the impugned order passed by learned Judicial Magistrate Ist Class, Hoshiarpur is not sustainable in the eyes of law in support of his argument. Learned counsel for the petitioner relied upon ***Harvail Singh Saini Vs State of Punjab and another***, in case bearing ***CRM-M-32662 of 2012***; ***Sucha Singh Versus State of Punjab and another*** in case bearing ***CRM-M No.44629 of 2017***; ***Ravinder Kumar Vs. State of Punjab*** in case bearing ***CRM-M No.5036 of 2019***; ***Jaswinder Singh Vs. State of Punjab and another*** in case bearing ***CRM-M No.61926 of 2018*** and



Pardeep Singh Vs. State of Punjab and another in case bearing *CRM-M-No.48407 of 2018*.

3. Learned State counsel appears on advance notice and very fairly submits that the facts are apparent on record and could not controvert the fact that the impugned order was passed without following the drill of guidelines issued by this Court in *Pawan Kharbanda (supra)*.

4. Having heard learned counsel for the parties and in view of the stand taken by learned counsel for the parties, it transpires that the order passed by jurisdictional Court on 16.12.2024 (Annexure P-9) is not sustainable in view of the judgment rendered by this Court in *Pawan Kharbanda (supra)*. Further, the impugned order does not satisfy the objective standard of reason and justice and the same has been passed in a mechanical manner.

5. In view of the above, the impugned order dated 16.12.2024 (Annexure P-9) is set aside and the jurisdictional Court is directed to pass a fresh order in view of law laid down in *Pawan Kharbanda (supra)*, after granting due opportunity to the petitioner, to demonstrate the shortcomings in the investigation, if any, within 08 weeks.

6. Disposed of accordingly.

May 01, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No