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

CRM-M No.16240 of 2025 (O&M)

Date of Decision: 26.03.2025

Rajiv Kumar @ Rajiv Goyal and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Bhupinder Singh Gill, Advocate
for the petitioners.

RAJESH BHARDWAJ J.

1. Present petition has been filed praying for quashing of cross version DDR No.42, dated 13.02.2025, under Sections 109/3(5) of BNS, 2023 & Sections 27/54/59 of Arms Act, registered at Police Station Dayalpura, District Bathinda in case bearing FIR No.13, dated 13.02.2025, under Sections 109/61(2) of BNS, 2023 & Sections 24/54/59 of Arms Act, registered at Police Station Dayalpura, District Bathinda, Punjab (Annexure P-5), which has been registered with mala fide intention to misuse the process of law. Further prayer has been made for staying the proceedings of aforementioned General Dairy No.042 during the pendency of the present petition.



2. As per the facts of the case, FIR No.13, dated 13.02.2025 has been registered on the statement of Rajiv Kumar @ Rajiv Goyal, i.e. the petitioner. As a cross version to the same, the impugned DDR No.42, dated 13.02.2025 has been registered on the statement of Jasvir Singh @ Seera. The allegations have been made by the complainant in this DDR against the petitioner wherein Rajiv Kumar @ Rajiv Goyal was standing with double barrel 12 bore gun in his hand and he was carrying pistol also. It was alleged that when Rajiv Kumar @ Rajiv Goyal got excited, then the complainant, Jasvir Singh @ Seera grabbed the gun from behind and because of this, the gun fired. The fire hit the thigh of Rajiv Kumar @ Rajiv Goyal and one rikshaw driver, Chamkaur Singh. Thereafter, Rajiv Kumar @ Rajiv Goyal fired 03 rounds from his pistol which he was carrying. It was alleged that Rajiv Kumar @ Rajiv Goyal fired pistol and the bullet hit him on the lower left bicep. They were admitted in Civil Hospital for treatment. The request was made to take the legal action against the accused. The investigation commenced in both the FIR and DDR. Aggrieved by the cross version registered by way of the impugned DDR, the petitioners have approached this Court praying for quashing of the same.

3. Learned counsel for the petitioners has contended that petitioner No.1 is a journalist and social activist, who is being targeted by the accused as the accused were aggrieved by the publication of antisocial activities of accused by petitioner No.1. He has submitted that on 13.02.2025, petitioner No.1 was manhandled by the accused, namely,



Navjot Kumar @ Gajju, Jasveer Singh @ Jai Suraya, Krishan Kumar @ Bhola and Mithun Lal wherein the accused snatched the licensed gun from petitioner No.1 and during this, the fire hit petitioner No.1, who was injured with the gun shot. He has submitted that petitioner No.1 was rushed to the hospital by petitioner No.2 and Bablesh Kumar @ Bobby. He has submitted that FIR No.13, dated 13.02.2025 was registered in this incident. He has submitted that on the same very day, the police authorities in connivance with the accused persons registered a cross case vide General Dairy No.42 against both the petitioners and one of their friend, namely, Bablesh Kumar @ Bobby alleging that the petitioners had fired gun shot at the accused, Jasveer Singh and injured him. He has submitted that DSP of the area concerned on investigation found the cross case registered against the petitioners to be fake which was registered in connivance with Navjot Kumar @ Gaggu and Jasvir Singh, i.e., respondents No.4 & 5. He has submitted that the cross case registered is totally false and frivolous as respondents No.4 & 5 and other accused in FIR No.13 had given threats to eliminate petitioner No.1 and hence, he was manhandled by them. He has submitted that as the FIR was registered against respondents No.4& 5, they in conspiracy by causing a self suffered injury registered a fake cross case against the petitioners. He has contended that the police authorities are hand in gloves with respondents No.4 & 5 and in order to pressurize petitioner No.1 to compromise the matter with respondents No.4 & 5, a cross case was registered against the petitioners. He has submitted that as



no prima facie case is made out against the petitioners, hence the impugned cross version registered by way of DDR deserves to be quashed.

4. Notice of motion to the official respondents at this stage.

5. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of respondents No.1 to 3-State. He has vehemently opposed the submissions made by learned counsel for the petitioners. He, on instructions, has submitted that there are specific allegations made against the petitioners in the impugned DDR. The FIR and the cross version DDR both are under investigation and thus no case is made out for quashing of the cross version case bearing DDR No.42, dated 13.02.2025.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is apparent that FIR No.13, dated 13.02.2025 and cross version DDR No.42, dated 13.02.2025 have been registered. In both the cases, there are specific allegations and regarding the injuries, the MLRs are also available. Admittedly both the cases are under investigation. The contention raised by learned counsel for the petitioners regarding their false implication where there is a motive with respondents is totally a factual dispute which deserves to be analyzed at the appropriate stage on weighing the evidences led by the respective parties. However, the present case is under investigation where the Investigating Agencies have not even concluded the investigation. For quashing of the FIR, this Court for



invoking its inherent jurisdiction has to be circumspect especially when the case is under investigation.

8. Hon'ble the Supreme Court in the case of '*Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and another*', 2021 SCC Online SC 315 has held that the High Court should exercise the power of quashing under Section 482 Cr.P.C. sparingly with great circumspection as it has been observed, in the rarest of rare cases and also criminal proceedings ought not to be scuttled at the initial stage.

9. Thus, this Court finds that the issue involved in the present petition is based on disputed questions of facts and the investigation in the case is still pending. Weighing the facts and circumstances of the present case on the anvil of the law settled, this Court is of the opinion that the inherent power as enumerated under Section 528 of BNSS, 2023 cannot be invoked. Resultantly, this Court does not find any merit in the present petition and the same being devoid of any merit is hereby dismissed.

10. The Investigating Agencies are directed to conclude the investigation of cases expeditiously in accordance with law. However, nothing said hereinabove shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

26.03.2025

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