



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

CRM-M-27672-2025
Date of decision: 20.05.2025

SURJIT SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Deepak Arora, Advocate for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.33 dated 18.02.2025 under Sections 353(2) and 3(5) of BNS, 2023 registered at Police Station Tanda, District Hoshiarpur (Annexure P-1) along with all subsequent proceedings arising therefrom.
2. Learned counsel for the petitioner, *inter alia*, contends that as per the case set up by the prosecution, no offence, as alleged, against the petitioner is made out. He contends that the petitioner is 65 years of age and he has no control over the public announcement system of *gurudwara sahib* situated in the village. Further, there is no evidence with regard to anybody acting in illegal manner. Moreover, the voting took place in the presence of senior functionaries of the administration as the Sub-Divisional Magistrate and Deputy Superintendent of Police were present at the spot. As such, the false implication of the petitioner is apparent. Learned counsel for the petitioner submits that the petitioner would be satisfied in case all the documents, which are annexed with the present petition and all the averments made herein, are



considered by the Investigating Officer before submitting the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).

3. Notice of motion.
4. On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent and submits that he has no objection, in case the Investigating Officer is directed to consider all the documents, which are annexed with the present petition, before preparing the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).
5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal today itself.
6. Keeping in view the aforesaid facts and circumstances, present petition is disposed of with a direction to the Investigating Officer to consider all the documents, which are annexed with the present petition and averments made in the present petition, before preparing the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).
7. It is clarified that in case, final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*) is against the petitioners, they would be at liberty to file a fresh petition to challenge the FIR (*supra*) as well as the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).

May 20, 2025
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(HARPREET SINGH BRAR)
JUDGE

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