



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

CRM-M-33315-2024
Date of decision: 05.05.2025

INDERPAL SINGH AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankur Bansal, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR bearing No.74 dated 20.07.2019 registered under Sections 406/420 of IPC at Police Station Division No.4, Jalandhar and all the consequent proceedings arising therefrom including the impugned order dated 12.06.2024 passed by learned Chief Judicial Magistrate, Jalandhar in UCR-37 of 2023 titled as '*State vs. Inderpal Singh and others*', whereby the cancellation report has been rejected and further investigation has been ordered.

2. Learned counsel for the petitioners *inter alia* contends that the veracity of the allegations levelled by respondent No.2 was examined thoroughly by the Investigating Officer and no substance was found. On two occasions, the cancellation report was presented and the learned Chief Judicial Magistrate, Jalandhar has passed a cryptic order and did not accept the cancellation report merely on the statement made by the complainant that he did not agree with the cancellation report filed by the investigating agency.



Thereafter, on 12.06.2024, learned Chief Judicial Magistrate, Jalandhar did not accept the second cancellation report, merely on the basis of statement suffered by the complainant that he did not agree with the cancellation report. Moreover, the manner, in which, the impugned orders are passed are against the settled law. Learned counsel relies upon the judgments of this Court in ***Pawan Kharbanda vs. State of Punjab and another*** in CRM-M-3193 of 2025 (O & M) decided on 29.01.2025, ***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, ***Pardeep Singh Vs. State of Punjab and another*** in case bearing CRM-M-No.48407 of 2018, ***Prithvi Raj Sehgal Vs. State of Punjab (P&H) 2007(3) R.C.R. (Criminal) 438*** and ***Nitesh Bhardwaj Vs. State of Punjab and another*** in case bearing CRM-M No.39693-2021 decided on 11.10.2021

3. On the other hand, learned State counsel could not controvert the factual matrix and the judgment rendered 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 12.06.2024 (Annexure P-2) 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 12.06.2024 (Annexure P-2) 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 parties, to demonstrate the shortcomings in the investigation, if any, within 08 weeks.

6. Disposed of accordingly.

May 05, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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