



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

CRM-M-36475-2025 (O&M)

Date of Decision: 14.07.2025

NIRMAL SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Raghav Gulati, Advocate and
Mr. Varun Sharma, Advocate for the petitioners.

Mr. Subhash Godara, Addl. AG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No. 0003 dated 13.01.2024 under Section 212 of Indian Penal Code (for short 'IPC') registered at Police Station Rawalpindi, District Kapurthala along with all subsequent proceedings arising therefrom.
2. The FIR(supra) has been registered on the basis of statement of Sharanjit Kaur on the allegations that her uncle (chacha) Onkar Singh has got registered FIR No. 71 dated 04.10.2023 for alleged commission of offences punishable under Section 302/307/326/324/323/120-B/34 of IPC at Police Station Rawalpindi against accused Harpreet Singh @ Hapoo, Sukhvir Singh @ Sabi, Manpreet Kaur wife of Harpreet Singh @ Hapoo, all residents of Village Bohani, Phagwara, District Kapurthala and Vishal Pundit son of Ram Murti resident of Mission Compound Batra Hospital, District Jalandhar for allegedly murdering Rupanjot Singh son of Onkar Singh. It was further alleged in the FIR(supra) that both the petitioners, who are residents of village Edda, Tehsil Shahkot, PS Nakodar Sadar have given shelter to Harpreet Singh's wife Manpreet Kaur in their house despite knowing that FIR is



CRM-M-36475-2025 (O&M)

-2-

registered against her and police is trying to trace her. Upon the statement made by the complainant, FIR(supra) was registered against the petitioners and 04 other persons for allegedly committing crime under Section 212 of IPC.

3. Learned Sr. Advocate 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 against the petitioners and the present FIR is clearly an abuse of the process of law as the petitioners were not present in India at the time of alleged occurrence, nor they were in India after the registration of FIR No. 71. Thus, there was no occasion for the petitioners to commit the offence as alleged by respondent No. 2 in the FIR(supra). Further, petitioner No. 2 had not visited India since 06.10.2022 and petitioner No. 1 arrived New Delhi only on 04.12.2023, i.e. exactly 02 months after the registration of FIR No. 71. Lastly, learned counsel for the petitioners submits that the petitioners 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.*).

4. Notice of motion.

5. 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 No. 1-State 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.*).



6. 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.

7. 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.*).

8. 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.*).

14.07.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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