

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Revision No. 2006 of 2025

Reserved On: 02.12.2025
Pronounced On: 15.12.2025

Gurmeet Singh Gill alias Gurmeet Singh Bukkanwal

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. P.S.Hundal, Senior Advocate
with Mr.Gursahib Singh Hundal, Ms. Arshpreet Kaur
and Mr.Jasjeet Singh Brar, Advocates
for the petitioner(s).

Mr. Deepender Singh, Additional Advocate General,
Punjab, with Mr. Rohit Bansal, Senior Deputy Advocate
General, Punjab, for the respondent.

Surya Partap Singh, J.

1. The challenge in this revision petition is to the order dated 29.07.2025 passed by the court of learned Additional Sessions Judge, Amritsar, in a trial pertaining to case arising out of FIR No. 39 dated 24.02.2023 for the commission of offence punishable under Sections 307, 353, 186, 332, 333,506(ii), 120-B, 427, 148, 149 and 201 of the Indian Penal Code, 1860, hereinafter being referred to as “IPC” only and Sections 25 & 27 of the Arms Act. The above said FIR has been lodged in Police Station Ajnala, District Amritsar, Punjab.

2. By virtue of above mentioned order, the application filed by the petitioner/accused, hereinafter being referred to as “petitioner” only under

Section 227 Code of Criminal Procedure, 1973, hereinafter being referred to as “Cr.P.C.” seeking for his discharge has been dismissed and ordered for framing of charges for the commission of offence punishable under Sections 307, 353, 186, 332, 333, 506 (Second Part), 120-B, 427, 148, 149, 201 of IPC and Section 25 of Arms Act have been passed.

3. The petitioner is aggrieved of the above mentioned impugned order and has filed the present petition on the ground that on 23.02.2023, the petitioner was whisked away from his house by Moga Police and kept in Police Station Talwandi Bhai, District Ferozepur, where he was detained for whole day and released from detention only after sunset. As per petitioner, after being released from Police Station Talwandi Bhai, District Ferozepur (after sunset on 23.02.2023) nobody approached the petitioner till 18.132023, and that on 18.03.2023 the petitioner was detained by Moga Police, and taken to another police station where a large number of persons were already detained.

4. It has been further alleged by the petitioner that on the same night, he was flown to Dibrugarh Jail (Assam) where a detention order was served upon the petitioner by the District Magistrate, Amritsar under Section-3 of the National Security Act, 1980, hereinafter being referred to as “NSA” only, for a period of one year. As per allegations contained in the petition, in Dibrugarh Jail (Assam) grounds of detention were served upon him and one of the main ground for detention of petitioner under the NSA was that he was part of the mob responsible for ransacking the Police Station Ajnala on 23.02.2023.

5. The petitioner has alleged that he was taken aback by the above

mentioned allegations, as he was not a part of any unlawful activity on 23.02.2023. The petitioner has further alleged that he was released from Dibrugarh Jail (Assam) on 17.03.2025 and after being released from above mentioned jail he was arrested in the present case.

6. The petitioner has further alleged that during the proceedings under the NSA he was produced before the Advisory Board and when this plea was taken by the petitioner before the Advisory Board that on 23.02.2023 he was detained by the police of Police Station Talwandi Bhai District Ferozepr, an officer belonging to Punjab Police, who was present there along with some official files, had admitted the above mentioned fact.

7. It has been pleaded by the petitioner that by virtue of order dated 29.7.2025, the application moved by the petitioner under Section 227 Cr.P.C. has been dismissed and the order for framing of charges against him has been passed. As per petitioner, the learned trial Court has ignored the fact that the learned Public Prosecutor, during the course of arguments, had admitted that the petitioner was not physically present on the spot at the time of occurrence and therefore, any charge for the commission of offences could not have been framed against him. While claiming that the order of framing of charges against the petitioner is illegal, a prayer has been made by the petitioner for setting aside the above mentioned order.

8. The above mentioned petition has been opposed by the respondent-State. A detailed reply to the present petition has been filed by the State. In its reply, the main plea taken by the respondent/State is that this stand of the petitioner is altogether false and baseless that it was the stand of the respondent-State, before any authority that at the time of occurrence the

petitioner was not physically present on the spot. It has been alleged by the respondent/State that during the course of arguments on the application for discharge, moved by the petitioner, it was specifically argued before the learned trial court that in the evidence collected by the Instigating Agency, qua petitioner, there are statements of two police officials, i.e. SI Satnam Singh and MHC Shubegh Singh, who have specifically stated during the course of investigation that the petitioner was present on the spot at the time of occurrence. While claiming that a false plea has been taken by the petitioner by twisting the facts, the respondent has sought for dismissal of instant petition, preferred by the petitioner.

9. Herd.

10. It has been contended on behalf of petitioner that the present case is a classic case where the focus of the Investigating Agency and the State Machinery has been to create a hype with regard to the incident in question, through social media, and that in its effort to create the above mentioned hype, for political reasons, the basic jurisprudence to be followed by the Investigating Agency for the purpose of investigation, i.e. collection of relevant evidence, has been completely ignored.

11. It has been further contended by learned senior counsel for the petitioner that initially it was the stand of the Investigating Agency that the petitioner was not present on the spot at the time of occurrence, which is otherwise a true fact as the petitioner was detained in advance by the police and kept in Police Station, Talwandi Bhai, District Ferozepur, but later on the Investigating Agency changed the above mentioned stand. According to learned senior counsel appearing for the petitioner, the same was the stand of

the learned Public Prosecutor before the learned trial Court while addressing arguments on the application under Section 227 Cr.P.C., but the learned trial Court despite the above mentioned admission, which completely erodes the very foundation of the allegations with regard to commission of offence punishable under Sections 307, 353, 186, 332, 333, 506 (Second Part), 120-B, 427, 148, 149, 201 of IPC and Section 25 of Arms Act, passed the order for framing of charges against the petitioner. The learned senior counsel for the petitioner has also argued that although the learned trial Court took cognizance of the above mentioned stand of the prosecution in the impugned order, but at the time of final outcome the above mentioned most crucial aspect, involved in the instant case, has been ignored and without any legal or reasonable basis while dismissing the application under Section 227 Cr.P.C., the order for framing of charges has been issued.

12. The learned senior counsel for the petitioner has also highlighted the facts that malafide intentions of the respondent can be gazed from the fact that the petitioner, who was in custody under the NSA, was never arrested in the instant case but the moment he was released from custody, in the case under the NSA on completion of two years detention, he was taken into custody in the present case. According to learned counsel for the petitioner, the above mentioned conduct of the respondent/State speaks in volumes about the ill-intentions of the State Agency to victimize the petitioner and keep him behind the bars.

13. The learned senior counsel for the petitioner has further contended that the above mentioned actions of the respondent/State are deplorable and deserves to be deprecated. According to learned senior

counsel appearing for the petitioner there is no *prima facie* evidence against the petitioner with regard to his involvement in the commission of crime and therefore, the observations of the learned trial Court, to the effect that no ground for discharge of the petitioner is made out and that a *prima facie* case for framing of charges for the commission of offence punishable under Sections 307, 353, 186, 332, 333, 506 (Second Part), 120-B, 427, 148, 149, 201 of IPC and Section 25 of Arms Act is made out against the petitioner, is patently illegal, perverse and needs indulgence and interference of revisional jurisdiction of this Court. In view of above mentioned arguments the learned senior counsel for the petitioner has urged for the setting aside of the impugned order, by accepting the present revision petition. According to learned senior counsel for the petitioner, in view of above, the petitioner deserves to be discharged.

14. Per contra, the learned State counsel has come forward with the arguments that the instant case is a case wherein allegations against the petitioner and his co-accused are of creating such a grave law and order situation, that even the majesty and authority of the sovereign State was under threat. According to learned State counsel the mob, of which the petitioner was a member, had not only defied the lawful orders passed by the officer of State but also resorted to violence and disrupted & interfered in the discharge of official duties of public servants.

15. The learned State counsel has also argued that the learned trial Court has wrongly observed that at the time of commission of offences the petitioner was not present at the spot. According to learned State counsel, the above mentioned view is founded upon the alleged admission made by the

learned Public Prosecutor. With regard to above, it has been contended by learned State counsel that in fact no such plea was taken by the learned Public Prosecutor before the learned trial court. The learned State counsel has submitted that in fact there are statements of two eye witnesses, i.e. SI Satnam Singh and MHC Shubegh Singh, who have specifically stated during the course of investigation that the petitioner was present on the spot and that they can identify him.

16. It has also been pointed out by learned State counsel that with regard to above mentioned wrong observations recorded by the learned trial Court, in the impugner order, a separate petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has already been filed by the respondent/State, wherein the prayer of the respondent-State is for expunging the remarks. While alleging that a false plea has been taken by the petitioner in the present petition, qua the fact that the petitioner was not present on the spot at the time of occurrence, it has been argued by learned counsel for the respondent/State that the present petition is devoid of merit and deserves dismissal.

17. The record has been perused carefully.

18. In the present case for the decision of above mentioned petition, the only point which needs determination is as to whether there is sufficient evidence to *prima facie* prove that the petitioner was present on the spot at the time of occurrence. With regard to above mentioned point, the vital evidence collected by the Investigating Agency during the course of investigation is the statements of two eye witnesses, namely SI Satnam Singh and MHC Shubegh Singh. The copies of statements of above

mentioned witnesses, recorded under Section 161 Cr.P.C., have been placed on record by the respondent/State, along with its reply (Annexure R1/T and Annexure R2/T), respectively. A perusal of the statement of SI Satnam Singh (Annexure R1/T) shows that in the above mentioned statement, it has been specifically and categorically stated by the above named witness that the petitioner was a member of the mob which was responsible for the above mentioned attack on Police Station Ajnala.

19. In the similar fashion, another eye witness of the occurrence, i.e. MHC Shubegh Singh (Annexure R2/T), has stated that amongst the persons who were members of the mob involved in the commission of above mentioned crime, one was the petitioner. If the above mentioned statements of witnesses, placed on record by the respondent/State, are taken into consideration, *prima facie* it stands proved that there was evidence against the petitioner, to the effect that he was present on the spot at the time of occurrence.

20. Here this fact cannot be ignored that that the specific plea has been taken by the respondent/State that the petitioner was detained by Moga police and kept in Police Station Talwandi Bhai, District Ferozepur before the incident in question, and that he was released on that day only after sunset, i.e. after the incident in question. However, to prove the above mentioned plea, at this stage, neither an opportunity can be given to the petitioner nor any such evidence, contrary to the statements of SI Satnam Singh and MHC Shubegh Singh, is available on record. Thus, at this stage, this plea of the petitioner cannot sustain that he has been falsely implicated in the present case without any evidence against him.

21. Here this fact cannot be ignored that as per settled principles of law, at the time of framing of charge, only *prima facie* case is supposed to be established by the prosecution, and the golden rule of criminal jurisprudence that the prosecution is supposed to prove its case beyond the shadow of all reasonable doubts, does not apply while considering a case for the purpose of framing of charge. In this regard, the Hon'ble Supreme Court of India in the case of ***Soma Chakravarty v. State (2007)5 SCC 403*** has propounded that when there is material to show that accused might have committed the offence, it can frame charge and the probative value of the material on record cannot be gone into at the stage of framing of charge.

22. Taking into consideration the above mentioned fact situation prevailing in the present case, it is hereby held that this observation by the learned trial Court that admittedly the petitioner was not present on the spot at the time of occurrence, is erroneous. However, this finding of the learned trial Court that a *prima facie* case for the commission of offence punishable under Section 307, 353, 186, 332, 333, 506 (Second Part), 120-B, 427, 148, 149, 201 of IPC and Section 25 of Arms Act is made out against the petitioner, does not warrant the exercise of revisional jurisdiction of this Court.

23. Thus, it is hereby held that a right decision has been taken by the learned trial Court while dismissing the application moved by the petitioner under Section 227 Cr.P.C. and giving a direction to frame charges for the commission of offence punishable under Sections 307, 353, 186, 332, 333, 506 (Second Part), 120-B, 427, 148, 149, 201 of IPC and Section 25 of Arms Act, against the petitioner.

24. As a sequel to above mentioned observations, finding no merit in the present petition, it is hereby held that being devoid of merits, the present petition deserves dismissal. The present petition is hereby dismissed, accordingly.

(Surya Partap Singh)
Judge

December 15, 2025
“DK”

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