



CRM-M-45578-2025

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

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CRM-M-45578-2025

Date of decision: 21.08.2025

Jashanpreet

...Petitioner

V/s

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Narender Singh Kamboj, Advocate for the petitioner.

Mr. Tarun Aggarwal, Additional Advocate General, Haryana
for respondent Nos.1 to 4.

SUMEET GOEL, J. (Oral)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as the 'BNSS, 2023') seeking issuance of appropriate directions to respondent Nos.2 to 4 for conducting a fair and impartial investigation by an officer of the rank of IPS officer or alternatively seeking transfer of the investigation outside District Sirsa on the ground that the local police, acting in collusion with respondent Nos.5 and 6 have falsely implicated the petitioner in FIR No.341 dated 05.07.2025 (wrongly referred to as FIR No.107 in the impugned order, Annexure P-5), registered under Sections 115(2), 118(1), 118(2), 190, 191(2), 191(3), 304, 324(4), 117(1) of the Bharatiya Nyaya Sanhita, 2023 at Police Station City Sirsa, District Sirsa

2. The brief facts of the case as narrated in the present petition are that on 03.07.2025 at about 07:25 p.m., the complainant namely Harpreet Singh son of Fauja Singh, aged 27 years, resident of village Nezaadela Kalan, District Sirsa, alleged that his friend namely Naresh Kumar (electrician,



resident of Nezadaela Kalan) came to his house and informed him that he had to collect Rs.70,000/- from Jashanpreet Singh (petitioner herein), who had called him to Sirsa. On his request, the complainant accompanied him on his motorcycle. When they reached Anaj Mandi, Sirsa, the friend of the complainant namely Naresh Kumar called Jashanpreet (petitioner herein), who refused to pay and switched off his phone. Later, after repeated calls, the said Jashanpreet (petitioner herein) asked us to meet at Home Town Café, Sirsa. Around 09:15 PM, the said Jashanpreet (petitioner herein) asked the complainant and his friend to meet at Home Town Cafe, Sirsa. Around 09:15 PM, the said Jashanpreet arrived with unknown persons abused and assaulted them. Soon, five persons including Akash @ Anil and Ravi (sons of Bhajan Lal, residents of Chhoti Chamal), Sushil @ Sheelu (son of Mahender, resident of Nezaela Kalan) and two unknown boys armed with *datars* came at the scene of occurrence and attacked them. During the attack, accused Akash and Ravi hit the complainant with *datar* on his hands; accused Jashanpreet (petitioner herein) hit the complainant with a brick; accused Sushil hit the shoulder of the complainant with a pipe like object and another unknown accused assaulted the complainant on his back. All the accused also assaulted the friend of the complainant and damaged his motorcycle. In the ensuing scuffle, accused Jashanpreet (petitioner herein) snatched the phone of the complainant. The complainant and his friend, somehow, managed to escape whereupon the complainant called his cousin namely Chandermohan, who admitted them to Civil Hospital, Sirsa. Later on the complainant was shifted to City Health Care



Hospital and subsequently to Astha Hospital, Sirsa for further treatment. On these set of allegations, the FIR in question was registered.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the impugned FIR at the instance of the complainant, who hails from the same village and harboured personal enmity against the petitioner. Learned counsel has further iterated that the complainant with a view to settling scores has orchestrated the registration of the present false case against the petitioner and other co-accused. It is further submitted that, in fact, the petitioner himself sustained multiple injuries during the alleged occurrence and was admitted to the Civil Hospital, Sirsa on 04.07.2025 where he was medico-legally examined and as many as seven injuries were found on his person. Thereafter, the hospital authorities duly forwarded the *ruka* to police station City Sirsa and the statement of the petitioner was also formally recorded by the concerned police officials. Learned counsel has further submitted that rather, the local police, acting in collusion with the complainant, have implicated the petitioner in the false case. It is further pointed out by the learned counsel that the petitioner has submitted a detailed representation dated 01.08.2025 before the Inspector General of Police, Hisar Range as well as the Superintendent of Police, Sirsa seeking transfer of investigation to an officer of the rank of IPS Officer or at least to an officer outside District Sirsa so that a fair and impartial investigation may be conducted. However, despite the passage of considerable time, no action has been initiated by the police authorities on the said representation which necessitated the petitioner to approach this Court by way of the instant petition. On the basis of



aforementioned submissions, learned counsel has canvassed that in the interest of justice, the investigation of the present case deserves to be entrusted to an officer not below the rank of an IPS Officer or an officer outside the District Sirsa to ensure fairness, transparency and to protect the rights of the petitioner, who is, in fact, a victim rather than an accused.

4. *Per contra*, learned State (on the strength of advance notice) has opposed the grant of instant petition by arguing that the allegations of false implication as raised by the petitioner are wholly misconceived and devoid of merit. Learned State counsel has iterated that the investigation in the present matter has been conducted strictly in accordance with the law and there is no material to suggest any bias or *mala fide* on the part of the investigating agency. It is further iterated by learned State counsel that the claim of the petitioner of being a victim is an afterthought, cleverly designed to dilute the gravity of the allegations against him. It is further submitted that the representations made by the petitioner to higher police authorities have been duly considered and merely because no separate or independent investigation has been ordered does not *ipso facto* give rise to any presumption of unfairness. Lastly, it has been contended that the petitioner has failed to place any cogent material on record to substantiate his allegations of collusion between the complainant and the local police. On the strength of these submissions, dismissal of the petition in hand is entreated for.

5. I have heard learned counsel for the rival parties and have perused the paper-book.



6. It would be apposite to refer herein to a judgment of this Court passed in **CRM-M-34678-2024** titled as **AXXXX vs. vs. State of Punjab and others**, decided on 31.07.2024; relevant whereof reads as under:-

“11. As a sequel to above rumination, the following postulates of law emerge:

I. An Illaqa/Jurisdictional Magistrate has; by virtue of Sections 173 and 175 of BNSS, 2023; the necessary powers and jurisdiction to grant plea(s) for issuance of direction(s) for registration of an FIR, monitoring of investigation in an FIR, change of investigating officer and prayer(s) of alike nature.

II. Ordinarily, an applicant/complainant ought to approach, in the first instance, the Court of Illaqa/Jurisdictional Magistrate to seek prayer(s) for issuance of direction(s) for registration of an FIR, monitoring of investigation in an FIR as also other prayers of akin nature.

III. In a given case, if the facts/circumstances so warrant, the High Court is well within its jurisdiction to entertain and consider plea(s) seeking registration of an FIR, monitoring of investigation in an FIR, constituting an SIT (Special Investigating Team), change of investigating officer & all such prayer(s) of such kind and nature. However, it would be prudent that an applicant/complainant, while seeking to invoke the jurisdiction of a High Court under Section 528 of BNSS, 2023 in the first instance seeking prayer(s) of above nature, shows sufficient cause for not having approached the Illaqa/Jurisdictional Magistrate in the first instance.

IV. A High Court, in its inherent jurisdiction under Section 528 of BNSS, 2023 has unbridled, unfettered and plenary powers. The only restriction on exercise of such powers is self-restraint. No inflexible and comprehensive guidelines can conceivably be enumerated governing the exercise of these intrinsic powers by a High Court under Section 528 of BNSS, 2023. There is no gainsaying that the nature, mode and extent of such exercise of powers by a High Court under Section 528 of BNSS, 2023 shall depend upon the judicial discretion exercised by a High Court in the facts and circumstances of a given case.”

7. The prime prayer made in the present petition is for seeking transfer of investigation of the FIR *ibid* to an officer not below the rank of an IPS Officer or in the alternative to an officer outside District Sirsa, as it is alleged that the local police in collusion with the private respondents is



proceeding unfairly and has adopted a negligent and indifferent approach towards the investigation. The petitioner has failed to substantiate his bare allegations of investigation in the FIR *ibid* having not been conducted by the local police in accordance with law. Mere dis-satisfaction of the petitioner with the outcome of certain investigative steps does not *ipso facto* render the investigation partial or collusive. In the considered opinion of this Court, the petitioner has failed to make out any case warranting transfer of investigation. The law is well settled that the transfer of investigation is an extraordinary power which is to be exercised sparingly and only when cogent material is placed on record establishing a likelihood of bias or mala fide action by the local investigating agency. In the present case, apart from bald allegations of collusion and the fact of injuries sustained by the petitioner, no substantive material has been brought to the notice of this Court which would justify such interference.

8. The mere fact that the petitioner has filed representations to higher police authorities and merely because no separate or independent investigation has been ordered does not *ipso facto* establish lack of fairness in the investigation. There exists no material *nay* cogent material on record to substantiate the claim of the petitioner which establishes a bias or *mala fide* action by the local investigating agency. No such accentuating facts/circumstances have been brought forward by the petitioner which may warrant interference by this Court under Section 528 of BNSS, 2023.

9. The jurisdiction conferred upon this Court under Section 528 of the BNSS is of an extraordinary and discretionary character, necessitating careful and judicious invocation. It is a trite principle of law that such



jurisdiction is not to be exercised in routine or perfunctory matters, but solely in circumstances that unequivocally warrant the intervention of the Court to prevent manifest injustice or irreparable harm. The Court, in the exercise of its extraordinary powers, is not a forum for speculative grievances or unsubstantiated apprehensions. Mere averments or generalized prayers, such as those seeking directions for impartial investigation, are insufficient to compel the Court to intervene. The petitioner bears a fundamental and onerous obligation to substantiate his allegations with cogent, credible, and *prima facie* evidence that demonstrates a real and immediate threat or an act of injustice requiring redress. It would be appropriate to refer herein to an age old adage:

“Judicial judgment must be informed and guided by the evidence on record; speculation or surmises has no place in the Court of Law”

It is well-settled that the extraordinary jurisdiction of the Court is intended to supplement, not supplant, the ordinary remedies available under the general law. This jurisdiction is inherently constrained by the principles of judicial propriety and is invoked only where there exists no efficacious alternative remedy or where failure to act would result in the miscarriage of justice. Absent sufficient material or evidentiary basis, the Court cannot be compelled to act merely on the asking of petitioner. To do so would undermine the very sanctity and purpose of its extraordinary jurisdiction, reducing it to a mechanism for frivolous or unwarranted claims. In the present instance, the lack of substantive evidence negates any justification for the exercise of such powers and the Court finds no occasion to intervene in the absence of a clear and compelling case.

10. As an upshot of above-said rumination, it is directed as follows:



- (i) The instant petition filed under Section 528 of BNSS, 2023 stands dismissed.
- (ii) Needless to state herein that this Court has not delved into the merits of the matter and the same is left open to be considered in appropriate proceedings, if so initiated.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

August 21, 2025
Ajay

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