

CRM-M-54339-2025

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.54339-2025
Reserved on : 24.09.2025
Pronounced on: 25.09.2025

SachinPetitioner

Vs.

State of UT ChandigarhRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sunil Sihag, Advocate
for the petitioner.

Mr. Tapan Masta, APP, UT Chandigarh.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
44	16.07.2025	Sector 49 Chandigarh	419, 420, 120B IPC

1. Aggrieved by the order dated 18.08.2025 passed by the Judicial Magistrate Ist Class, Chandigarh, has come up before this Court by filing the present petition under Section 528 BNSS for quashing of the FIR and the consequent charges because as per the accused no case is made out.
2. The UT Chandigarh opposes the petition.
3. The petitioner’s grievance is that although it has been mentioned in the application dated 18.08.2025 given by the Investigating Officer seeking production warrants that petitioner is confined in the FIR captioned above and still the Magistrate has no such jurisdiction.
4. I have heard counsel for the petitioner as well as State and gone through the record and its analysis would lead to the following outcome.
5. It remains undisputed as reflected in the order dated 18.08.2025 that petitioner is confined in judicial custody in Sikar, Rajasthan in the above mentioned case. However it also remains undisputed that petitioner is now required in FIR No.44. The legal issue raised by the petitioner’s counsel is that the Judicial Magistrate, Ist Class, Chandigarh has

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no authority to issue the production warrants because the petitioner is not in their custody. The order clearly points out that the concerned Judicial Magistrate Ist Class had sought his production by observing that there is no stay in his favour, as such, he had issued production warrants for 04.09.2025. After that the warrants were not served and now the production were sought for 25.09.2025 i.e. today.

6. The apprehension of the petitioner's counsel is mis-conceived that just based on this production warrants the jail authorities of Sikar, Rajasthan release the petitioner. Once the accused is in custody in a jail and the production is sought by any other police station then the such production warrants can only be executed with the consent and knowledge of the concerned Magistrate, in whose custody prisoner is confined in the jail.

7. Needless to say that the concerned Magistrate of Sikar, Rajasthan would also be informed and police official/investigator are duty bound to take transit remand of the petitioner in accordance with law while taking the petitioner out of the jurisdiction of concerned Magistrate, for the production of petitioner in FIR No. 44 dated 16.07.2025, Sector- 49, Chandigarh under Sections 419/420 and 120-B IPC.

8. Thus, there is no illegality in the impugned order dated 18.08.2025, only procedural clarity is not there. **Petition dismissed.** All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

25.09.2025
anju rani

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