



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

136

CWP-PIL-285-2025

Date of Decision:- 02.12.2025

HARMILAP SINGH GREWAL

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. Nikhil Saraf, Advocate for the petitioner.

Mr. Salil Sabhlok, Sr. DAG Punjab.

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SHEEL NAGU, C.J. (Oral)

1. The present Public Interest Litigation has been filed raising the public cause that the power conferred upon the District Magistrate under Section 163 Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 144 of the Code of Criminal Procedure, 1973) is being indiscriminately and mechanically applied. Certain instances have been mentoned in paragraph 8 in tabular form, showing that in various districts several spells of two months back-to-back were imposed under Section 163 Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the respective District Magistrates.

2. We have heard learned counsel for the petitioner as well as learned Senior Deputy Advocate General for the State of Punjab.

3. We are of the considered view that instead of issuing notice, it would be appropriate to dispose of this petition, since the orders, illustrated



in paragraph 8 have since expired.

4. However, we advise the District Magistrates of all the Districts in the State of Punjab to ensure compliance of Section 163 BNSS and other related provisions. Whenever the occasion arises to exercise the said power in emergent cases of nuisance and apprehended danger due care and caution be exercised while passing order judiciously.

5. The statutory provision under Section 163 BNSS must be followed to the hilt and these provisions must not be applied in a mechanical manner without application of mind. The District Magistrate/Sub-Divisional Magistrate must not only apply his mind but also pass a speaking order as and when the said emergent power is to be exercised under Section 163 BNSS.

6. With aforesaid observations, the presen petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

02.12.2025
S.Sharma

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| i) | <i>Whether speaking/reasoned?</i> | <i>Yes/No</i> |
| ii) | <i>Whether reportable?</i> | <i>Yes/No</i> |