



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

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CRM-M-56259-2025 (O&M)
Date of Decision:- 10.12.2025

Kirna

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Ms. Manju Goyal, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J. (Oral)

1. Present petition has been filed by the petitioner under sections 528 of the Bharatiya Nyaya Suraksha Sanhita, 2023 for quashing of FIR no. 38 dated 02.04.2024 under Sections 364-A, 34, 120-B IPC registered at Police Station Civil Lines, Bathinda District Bathinda (Annexure P-1), final report filed under Section 173 Cr. P.C (Annexure P-4) dated 20.05.2024 and order dated 08.07.2025 passed by learned Additional Sessions Judge, Bathinda framing charge against the petitioner (Annexure P-9) and all consequential proceedings arising therefrom.

2. The prosecution story is that on 02.04.2024, the statement of the complainant namely, Mohit Garg was got recorded to the effect that on 01.04.2024 his brother Sahil Garg went from the house on his Activa scooter without informing any family member, however, later on in the evening at



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around 4.00 pm when his brother was contacted through mobile phone, it was found to be switched off. Thereafter, while conducting his search, at about 6:00 p.m. the complainant received a WhatsApp call from his brother's mobile informing that he has been kidnapped and was asked to arrange Rs. 40 lakh and further not to disclose the incident to anyone. Thereafter, FIR under section 364A/ 34 IPC was registered against the unknown persons. On the next day, i.e. 03.04.2024 police officials nominated accused Manindar Singh @ Gora, Jaswinder Singh alias Sonu, Lovepreet Singh alias Preet and Kirna on the statement of Sahil Kumar. Thereafter in search of accused person police party alongwith Sahil Kumar was going from Barnala bypass Bathinda to Kamla Nehru Colony Bathinda and when police party reached near a house, then a Swift car was seen standing in the street. Sahil Kumar identified the same car in which he was kidnapped. The said police official apprehended the occupants namely, Lovepreet Singh, Maninder Singh alias Gora and Kirna and on personal search of all the accused, an amount of Rs.10 lakh was recovered from them.

3. Learned counsel for the petitioner contended that there is discrepancy in the story of the prosecution as there is a camera installed in the house of the petitioner and as per CCTV footage, at the relevant time, there is no movement in and out of the house. Further, as per prosecution story, the petitioner alongwith other accused has been arrested from the house of the petitioner, however, as per final report, it is stated that the petitioner alongwith other co-accused have been arrested while they were sitting in Swift Car parked



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on the street and the manner in which the petitioner is stated to be arrested casts doubt on the prosecution story itself.

5. In pursuance of advance notice, Mr. Anup Singh, AAG, Punjab appeared on behalf of the respondent State and stated that report under Section 173 Cr.P.C. has already been filed; charges have been framed and the case is at the stage of prosecution evidence. It is further contended on arrest of the present petitioner, an amount of Rs. 3 lakh has been recovered which is stated to be the ransom amount.

6. Heard.

7. Keeping in view the facts and circumstances of the present case and the fact that the petitioner along with other co-accused has been sent to face trial after conducting thorough investigation. On the basis of evidentiary material collected by the investigating agency, the trial court found *prima facie* case against the petitioner and thus charges were framed against them. The contentions raised by the petitioner in the petition, is a matter of fact which can be adjudicated upon only at an appropriate stage after appreciating the evidence adduced by the prosecution during trial proceedings. Since interference by the High Court by way of exercising powers enshrined under section 528 of BNSS is to prevent the abuse of process of any court or otherwise to secure the ends of justice, it is thus, trite law that the High Court cannot embark upon the appreciation of evidence while considering the petition filed under Section 528 BNSS for quashing criminal proceedings. This Court finds that there is material on record against the petitioner and, this Court would not be in a position to conduct a roving enquiry into the facts of the case. Apparently, on the face of



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it, a prima facie case has been made out disclosing the ingredients of the offences alleged against the petitioner. In view of the same, this court is not inclined to invoke its inherent jurisdiction under Section 528 BNSS, in order to quash FIR no. 38 dated 02.04.2024 under Sections 364-A, 34, 120-B IPC registered at Police Station Civil Lines, Bathinda District Bathinda (Annexure P-1), final report filed under Section 173 Cr. P.C (Annexure P-4) dated 20.05.2024 and order dated 08.07.2025 passed by learned Additional Sessions Judge, Bathinda framing charge against the petitioner (Annexure P-9) and all consequential proceedings arising therefrom. Hence, the present petition is hereby dismissed.

8. Pending applications, if any, stand disposed of.

10.12.2025
Sonia Puri

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No