



CRM-M No.65774 of 2025

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

CRM-M No.65774 of 2025
Reserved on : 02.12.2025
Date of Decision: 18.12.2025
Date of Uploading: 18.12.2025

Amrit Pal Singh

.....Petitioner

Versus

State of Punjab & Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. G.C. Dhuriwala, Advocate and
Mr. S.P. Garg, Advocate for the petitioner.

Mr. Japjot Singh AAG, Punjab.

ALOK JAIN, J.

1. The present petition has been filed under Section 528 of B.N.S.S. seeking quashing of the impugned order dated 18.07.2025 (Annexure P-3) passed by Learned Judicial Magistrate First Class, SAS Nagar, vide which charges have been framed against the petitioner and in the revision petition preferred by the petitioner, order dated 18.07.2025 has been upheld by the Learned Additional Sessions Judge, SAS Nagar vide order dated 29.09.2025 (Annexure P-4).
2. Learned counsel for the petitioner, while giving brief narration of facts, placed reliance upon the contents of the FIR, which are reproduced as under:

“Yesterday on 21.02.2024 at around 10:00 PM, my friend Gunjeet Kaur has dropped me out side of my house and when I reached around 15-20 steps ahead in the stairs between our flats then on looking me alone, our neighbour Amritpal son of Nachhatar resident of xxx has caught hold my arm and pulled me towards him



CRM-M No.65774 of 2025

and has hugged me, due to fear, I immediately pushed him, but Amritpal has again caught hold my breast and has pulled me towards him by holding the Elastic of my lower, then I raised hue and cry and when I tried to run from there, then Amritpal has forcibly tried to open my sweatshirt, it seems that Amritpal is in drunken condition. Amritpal told me that "Shweta you are living alone in the house, give me taste". On hearing my hue and cry, the neighbours have opened the doors of their houses and in the meantime, my friend Gunjit Kaur reached there. During this period, Amritpal has also slapped me and on looking the gathering of public, Amritpal ran away from the spot and someone made phone call the police and called the police there. I was stressed due to the said forcible acts of Amritpal. My friend Gunjit Kaur has provided me medicine from Civil Hospital, Phase-VI. Mohali. Since Amritpal was living in my neighbour, due to which he was having bad intention towards me, from the very beginning as same passage leading to the house of me and Amritpal and we both are neighbours to each other. Being permanent neighbour as well as pressurizing by the other neighbours, earlier also I kept on making compromise with Amritpal. You are requested that legal action be taken on my complaint."

Learned counsel for the petitioner submitted that the FIR was registered and Challan was presented by the Investigating Officer without properly investigating the matter, in a completely mechanical manner. Subsequently, vide impugned order dated 18.07.2025, charges have been framed against the petitioner/accused to face trial in case FIR No. 12 dated 22.02.2024 registered under Sections 294, 323, 354-B, 506, 509 IPC, without considering the material lapse in the investigation and the said order was further upheld by the learned Revisional Court vide order dated 29.09.2025 (Annexure P-4). The orders passed by the Courts below suffer from patent illegality and are not in consonance with the settled principles of law. Hence, the present petition.



CRM-M No.65774 of 2025

3. Learned counsel for the petitioner opened his arguments by submitting that there are material lapses in the investigation, as the alleged incident is stated to have occurred on 21.02.2024 at about 10:00 p.m., whereas the FIR was lodged only on 22.02.2024 at 6:30 p.m., despite the admitted fact that a PCR vehicle had reached at the alleged spot on the night of occurrence. Moreover, the delay in registration of the FIR must be considered in light of the fact that, despite the alleged gathering of neighbours upon hearing the hue and cry of the complainant, not even a single neighbour has been examined or cited as a witness at the time of presentation of the challan. It is further contended that the investigation and registration of the FIR were carried out in a mechanical manner, as despite the installation of multiple CCTV cameras in the vicinity, no alleged occurrence was captured, and although the footage which was allegedly viewed by the Investigating Officer, has been deliberately withheld while presenting the challan. Learned counsel further emphasized that the CCTV cameras installed in the neighbouring houses clearly establish that no such occurrence ever took place.

4. Learned counsel for the petitioner further submitted that even the medical evidence recorded only “simple and blunt injuries”, which does not correspond with the gravity of the allegations levelled in the FIR. It is also argued that the statement of the complainant’s friend materially contradicts the prosecution’s case, as her statement is confined only to allegations of slapping and does not support the serious accusations of violating the complainant.

5. Learned counsel for the petitioner vehemently disputed the service of notice under Section 41-A Cr.P.C, submitting that no such notice was ever served upon the petitioner by the Investigating Officer, and the said fact, stands clarified from the CCTV footage of the police station for the relevant date. It is further

submitted that the challan was presented in a mechanical and hasty manner,



CRM-M No.65774 of 2025

without verifying the authenticity or truthfulness of the allegations, despite the seriousness of the offences alleged. Learned counsel for the petitioner further emphasis on the order dated 08.04.2024(Annexure P-2), passed by the learned Additional Sessions Judge, SAS Nagar, wherein, while considering and granting interim bail to the petitioner, it was specifically observed that effective and extensive investigation could be carried out in the matter, however, the said judicial observation was completely ignored by the Investigating Officer, and no further investigation or supplementary challan was ever filed in compliance thereof.

6. Learned counsel for the petitioner, while concluding his arguments submits that considering the material lapse while conducting investigation and subsequently in framing of charges, the impugned orders be quashed.

7. *Per contra*, learned State counsel submitted that at the stage of framing of charges, the Court is only required to examine whether a *prima facie* case is made out on the basis of the challan presented by the prosecution, and at this initial stage of trial, there is no requirement for deep and detailed appreciation of evidence. It was further argued that the non-production of CCTV footage, even if available, would not be fatal to the prosecution case, particularly when the victim's testimony remains consistent. It was also submitted that the medical evidence corroborates the factum of physical assault, thereby supporting the *prima facie* case of the prosecution.

8. Learned State counsel though opposing the argument that there is a lapse in the investigation but maintains that the said argument would not automatically entitle the petitioner to seek quashing of the orders, as the petitioner has every right to raise all permissible defences before the learned trial Court in

accordance with law. Learned State counsel has further submitted that the



CRM-M No.65774 of 2025

petitioner has not filed any application for discharge before the learned trial Court and the petitioner has a liberty to raise all these arguments at an appropriate stage of trial. Learned State counsel while concluding the arguments submits that there is no illegality in the orders passed by the Courts below while framing the charges and the same has been done in accordance with law and the legal procedure established.

9. Heard learned counsel for the petitioner and the learned State counsel at length and perused the record.

10. Considering the submissions made by the counsel for the petitioner, as the present petition is only *qua* challenging the orders dated 18.07.2025 and 29.09.2025 whereby the charges have been framed against the petitioner and subsequently upheld in the Revision Petition. The learned trial Court has duly considered the challan presented and all the arguments raised by the petitioner. The allegation is that no offence ever took place does not carry much weight as the same is a matter of trial and cannot be adjudicated at this stage. The further argument raised by the counsel for the petitioner that the investigation has not been carried out properly, much less in terms of the order dated 08.04.2024 (Annexure P-2), passed by Additional Sessions Judge, SAS, Nagar. However, the said argument can also not been considered, as in the said order the reference was only with regard to the fact and in the backdrop that whether the custodial interrogation of the petitioner would be required or not and those cannot be stretched to the extent that any directions were issued to the investigating agency to investigate the matter further. The said fact is also duly recorded in the order dated 18.07.2025 (Annexure P-3) passed by Learned Judicial Magistrate First Class, SAS Nagar, Mohali, clarifying the position and the relevant extract of the

order is reproduced as under:



CRM-M No.65774 of 2025

“The arguments which have been broadly based on the Orders passed by Ld. Additional Sessions Judge, SAS Nagar, to the mind of this Court are misconceived. Nowhere in the said Order any finding has been given to the effect that the allegations are false or that no offence ever took place. Furthermore, there is no such direction to the investigation agency to investigate the matter further and there are findings only to the effect that the investigation can be conducted without the custodial interrogation and on the said basis Anticipatory bail was granted to the accused. None of the said findings can be taken as an expression on the merits of this case at this stage, where the Court is only to see as to whether a prima facie case is made out or not. Having said so, all the arguments advanced by the Ld. defence counsel become a subject matter of trial and cannot be appreciated at this stage. Accordingly, a case under section 294, 323, 354, 354-B, 506 and 509 of IPC is made out against the accused. Charge sheet served upon the accused Amritpal to which he pleaded not guilty and claimed trial.”

11. As regards the plea of lapses or deficiencies in investigation, it is a settled proposition of law that an accused cannot seek quashing of charges or FIR solely on the ground that the investigation was defective or conducted in a perfunctory manner, unless the material collected is so patently lacking that no offence whatsoever is made out. The facts of the present case do not attract any such patent illegality and more so any further deliberations on the same would affect the trial directly. The remedy for such lapses lies in confronting the prosecution during trial and not in scuttling the prosecution at its inception.

12. Therefore, it is apposite to consider that the charges so framed are always subject to alteration or addition by the learned trial Court at any stage in accordance with law. Since, the present petition merely challenges the charges and no exceptional circumstances or abuse of process is demonstrated, no ground

for interference is made out. More so, there is no prayer for quashing of the FIR



CRM-M No.65774 of 2025

and hence, the arguments raised by the counsel for the petitioner cannot be considered.

13. In view of the foregoing discussion, this Court is of the considered opinion that the impugned orders, do not suffer from any legal infirmity, perversity or patent illegality.

14. Accordingly, the present petition is dismissed being devoid of any merit. It is clarified that the observations made herein are solely for the adjudication of the present petition and shall not be construed as an expression on the merits of the case.

(ALOK JAIN)
JUDGE

December 18, 2025

manju

Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No