



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

152

CRM-M-67574-2025

Date of decision: 01.12.2025

GURTEJ SINGH ALIAS TEJI

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Chetan Sehgal, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed seeking quashing of FIR bearing No. 311 dated 10.11.2025 registered under Sections 109, 221, 132, 351(2), 262, 263 of BNS and Section 25 of the Arms Act, at Police Station Samrala, District Khanna. A further prayer has also been made to stay the order dated 28.11.2025 passed by the Sub Divisional Judicial Magistrate, Samrala whereby production warrants of the petitioner were issued for 01.12.2025 and to transfer the investigation of FIR No. 311 from Police District Khanna to any other independent agency like CBI or to other district.

2. Learned Counsel appearing on behalf of the petitioner vehemently contends that the petitioner was initially arrested in the FIR No. 307 dated 04.11.2025 under Sections 109, 103, 191(3), 190, 61(2) of BNS and Section 25 of the Arms Act, at Police Station Samrala, District Khanna.

The Sub Divisional Judicial Magistrate, Samrala granted a 06 day's Police remand, vide his order dated 09.11.2025. The petitioner and his co-accused- Harkaran Singh @ Karan moved an application in the aforesaid case on 10.11.2025, expressing their apprehension about being subjected to custodial torture and fake encounter. He contends that a detailed order was passed by the Illaqa Magistrate on 10.11.2025 recording the apprehensions expressed by the petitioner and his co-accused about their safety, while in Police custody, and to take appropriate measures for their safety. It is submitted that on the same evening, an encounter took place at the Toll Plaza near Village Kuba, and gun shots were fired at the co-accused Harkaran Singh @ Karan and even the petitioner was also tortured. A representation was thereafter made by the petitioner to the Director General of Police, Punjab narrating the entire incident and for seeking fair investigation but no action has been taken thereupon. The above FIR No. 311 dated 10.11.2025, in relation to the alleged staged encounter has been registered. A quashing thereof has hence been sought. It is disclosed by the petitioner that as many as 06 different FIRs, apart from the FIR in question, have already been registered against him.

3. I have heard learned Counsel appearing on behalf of the petitioner and have gone through the documents appended alongwith the present petition.

4. The FIR in the instant case has been registered on the statement of ASI Narpinderpal Singh and the same reads as under:-

"I am posted as Incharge, CIA Staff, Khanna. In FIR No. 307 dated 04.11.2025 under Sections 109, 103, 191(3), 190, 61(2) BNS and Sections 25-54-59 of the Arms Act, Police Station Samrala, the accused

Gurtej Singh @ Teji son of Harjit Singh, resident of village Chak Sarae, Police Station Sadar Khanna, and Harkamal @ Harkaran @ Karan @Karan son of Bhupinder Singh, resident of village Madapur, Police Station Samrala, along with their three companions, were confined in the lock-up of CIA Staff Khanna. For their interrogation, Inspector Pavittar Singh, SHO Police Station Samrala, along with the police party, had come to CIA Staff Khanna. All these accused were in police remand. SHO Pavittar Singh, in my presence and in the presence of ASI Sukhwinder Singh No.594/Khanna, first interrogated accused Rajvir Singh @ Lalli and Jaspreet Singh @ Jassu. After interrogating them, they were again lodged in the lock-up of CIA Staff Khanna. Thereafter, accused Harkamal @ Harkaran @Karan @ Karan and Gurtej Singh @ Teji were taken out of the lock-up under our supervision for interrogation in the said case. During interrogation, both of them disclosed that they had hidden their weapons near village Kubbe Toll Plaza, which is lying closed. Near that place, there is a double-storey building containing rooms, and they had concealed their respective weapons inside those rooms. They further stated that they could get the weapons recovered on their identification. On this, SHO Pavittar Singh got their separate disclosure statements recorded under Section 23 of the Bharatiya Sakshya Adhiniyam (BSA) through the computer operator. Both accused signed their respective disclosure statements. I and ASI Sukhwinder Singh No.594/Khanna signed as witnesses. SHO Pavittar Singh verified the same. The accused Harkamal @ Harkaran @ Karan @ Karan and Gurtej Singh @ Teji then left CIA Staff Khanna in a government vehicle for recovery of the weapons. At about 6:00 PM, on reaching Kubbe Toll Plaza, when the police party under the leadership of SHO Pavittar Singh started the proceedings, accused Gurtej

Singh @ Teji, as per his disclosure, climbed up the stairs to the building of rooms and got recovered a 9 MM pistol along with 04 live cartridges of 9 MM from the right-side room. SHO Pavittar Singh took the said pistol and cartridges into police possession as case property through a recovery memo, which was duly signed by the witnesses. Thereafter, accused Harkamal @ Harkaran @ Karan @ Karan, according to his disclosure, entered the room on the left side to get recovered a 32 bore pistol, but suddenly he pointed the .32 bore pistol towards the police party. Pointing the pistol, he said that he had to take revenge for his father from Babbu, even if he had to commit more murders. He also told his companion Gurtej Singh @ Teji to run away and not fear the police. During this time, I repeatedly tried to stop Harkamal @ Harkaran @ Karan @ Karan. The accused Harkamal @ Harkaran @ Karan @ Karan fired upon the police party with the intention to kill SHO Pavittar Singh, to save himself, immediately stepped back, and the fired bullet hit me on my left thigh. To save myself and the police party, I fired from my service pistol, which hit the leg of Harkamal @ Harkaran @ Karan @ Karan. Accused Gurtej Singh @ Teji then tried to escape from police custody and jumped from the second floor of the rooms. To deter him, I fired a second aerial shot from my service pistol. SHO Pavittar Singh, along with the accompanying police officials, immediately put me and the injured accused Harkamal @ Harkaran @ Karan @ Karan in the vehicle and took us to Civil Hospital Samrala for treatment. Accused Gurtej Singh @ Teji was also brought to Civil Hospital Samrala as he too had suffered injuries. I, Harkamal @ Harkaran @ Karan @ Karan, and Gurtej Singh @ Teji have been admitted in Civil Hospital Samrala, and we are all under treatment. The entire incident was also videographed by SHO Pavittar Singh

on the E-Sakshya App. Strict legal action be taken against accused Harkamal @ Harkaran @ Karan @ Karan and Gurtej Singh @ Teji. I have given my statement, which has been read over to me and is correct.

5. The edifice of the argument of the petitioner was his application dated 10.11.2025 wherein he expressed an apprehension that the FIR itself is a fabricated document and hence, it ought to be quashed alongwith all consequential proceedings.

6. It is evident that the informant Police Official has specifically mentioned about the entire incident having been videographed by SHO Pavittar Singh on the E-Sakshya App, hence, the allegation of the petitioner cannot be accepted per se . It, at best gives rise to a probability or a grave suspicion of the incident having taken place in the manner as alleged but does not falsify the case of the prosecution. The FIR in the present case has been registered already on 10.11.2025 and the submissions advanced by the petitioner, at best, constitute a defence version and gives rise to disputed questions of fact. The same cannot be gone into at this stage.

7. An FIR and the proceeding arising therefrom would not be quashed merely on remote probabilities and possibilities. The same is quashed only when they satisfy any of the parameters that have been prescribed by the Supreme Court in the matter of “*State of Haryana versus Bhajan Lal reported as AIR 1992 SC 604*. None of the said circumstances are shown to exist in the present case. Hence, the prayer to the above extent deserves to be dismissed.

8. So far as the challenge to the order dated 28.11.2025 passed by the Sub Divisional Judicial Magistrate, Samrala is concerned, the said order is only in relation to a production warrant against the petitioner for

01.12.2025. Such an order being an interlocutory order does not decide any right and hence is not amenable to a challenge before this Court. Consequently, the present petition is dismissed.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 01, 2025

Vishal Sharma

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