

2026:PHHC:020341



CRM-M-9630-2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(125)

CRM-M-9630-2022 (O & M)

Date of decision: 10.02.2026

(Through VC)

Bhupinder Kumar @ Penny

..... Petitioner(s)

V/s

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bhupinder Ghai, Advocate,
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. M.S. Saini, Advocate,
and Mr. APS Chhibber, Advocate,
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the FIR No.129 dated 18.08.2020 under Sections 307, 506, 148, 149 IPC and Section 25 of the Arms Act, 1959 (Sections 148 and 149 IPC deleted later on) and (Sections 34, 120-B and 201 IPC and Section 27 of the Arms Act, 1959 added later on) registered at Police Station Bullowal, District Hoshiarpur and all subsequent proceedings arising therefrom.

The learned counsel for the petitioner contends that as per the contents of the FIR, the complainant-injured had been attacked at the instance of Ravi Balachauria, Ganesh and Gogi. Ganesh and Gogi have been declared to be innocent. When Ravi Balachauria was arrested, he

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named the present petitioner. The report under Section 173(2) Cr.P.C. has been submitted against the petitioner without any evidence whatsoever. Pursuant to the arrest of the petitioner, a detailed investigation took place at the instanced of Deputy Superintendent of Police (Detective), Hoshiarpur exonerating the petitioner. He, therefore, prays that the instant FIR be quashed qua the petitioner.

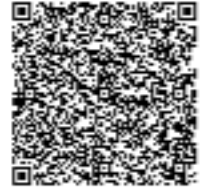
3. The learned counsels for the State and the complainant, on the other hand, contend that the petitioner is duly named in the confessional statement of Ravi Balachauria, a notorious gangster. Therefore, the petitioner was nominated as an accused and subsequently, challaned. They, however, concede that there is an enquiry report dated 07.01.2022 whereby the petitioner stands exonerated.

4. I have heard the learned counsel for the parties.

5. Admittedly, it is a case wherein there are two investigation reports. The first is inculpatory report under Section 173(2) Cr.P.C. submitted against the petitioner on 25.10.2021 and the second is a report prepared by DSP (Detective), Hoshiarpur, though, not filed in the Court. The nature of this report would be one under Section 173(8) Cr.P.C. qua the petitioner only.

6. In terms of the judgment in ‘Vinay Tyagi versus Irshad Ali @ Deepak and others 2013(2) RCR(Criminal) 197, at the time of framing of charges, the Trial Court is to consider all the reports whether inculpatory or exculpatory unless any of those reports have been directed to be excluded

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from consideration by a superior Court. In the instant case, the first report inculpatates the petitioner whereas the second exculpates him.

7. Therefore, the present petition is disposed of with the directions to the Trial Court to consider both the first challan report dated 25.10.2021 and the enquiry report of the Deputy Superintendent of Police (Detective), Hoshiarpur dated 07.01.2022 at the time of framing of charges.

8. Needless to say, this Court has expressed no opinion on the merits of the case.

February 10, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No