



CRM-M-9789-2026

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

CRM-M-9789-2026

Govind

....Petitioner

V/s

State of Haryana

....Respondent

Date of Reserve: 19.02.2026**Date of Pronouncement: 05.03.2026****Date of Uploading : 05.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Aakash Juneja, Advocate for the petitioner
(through video conference).

SUMEET GOEL, J.

1. The instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") seeking quashing of FIR No.557 dated 17.12.2025 registered under Sections 21 and 29 of the NDPS Act at Police Station Shivaji Colony, Rohtak, and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner has been illegally picked up by police officials at about 2:40/2:50 PM on 17.12.2025, whereas the FIR shows the alleged recovery is stated to have taken place later in the evening. According to learned counsel, the petitioner has been nominated only on the basis of the disclosure statement of the co-accused and no recovery has been effected from him. Learned counsel has placed reliance on the CCTV



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footage to contend that the petitioner was in illegal custody prior to the alleged recovery. Learned counsel has emphasized that the petitioner has been granted the concession of regular bail by the Court below and, therefore, the continuation of the proceedings would amount to abuse of the process of law.

3. From the peculiar factual *milieu* of the case in hand, this Court does not deem it appropriate to call upon the respondent-State, as the petition is being disposed off in urgent motion hearing.

4. I have heard learned counsel for the petitioner and have perused the available record.

5. At this stage, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court titled as ***State of Haryana and others vs. Ch. Bhajan Lal and others. 1992 AIR Supreme Court 604***, relevant whereof reads thus:

“107. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of Jaw enunciated by this Court in a series of decisions relating to the exercise of the extra-ordinary power under Article 226 or the inherent powers under Section 482 of the Code which; we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- 1. Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and*



accepted in their entirety do not prima-facie constitute any offence or make out a case against the accused.

2. *Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*
3. *Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*
4. *Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*
5. *Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*
6. *Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.*
7. *Where a criminal proceeding is manifestly attended with ma/a fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”*

5.1. Still further, the Hon’ble Supreme Court in a judgment titled as ***M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others AIR 2021 SC 1918***, has held as under:



“23. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or "no coercive steps to be adopted", during the pendency of the quashing petition under Section 482 Cr.P.C, 1973 and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or "no coercive steps to be adopted" during the investigation or till the final report/chargesheet is filed under Section 173 Cr.P.C., 1973 while dismissing/disposing of/not entertaining/ not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India, our final conclusions are as under:

- i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence;*
- ii) Courts would not thwart any investigation into the cognizable offences;*
- iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;*
- iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the 'rarest of rare cases (not to be confused with the formation in the context of death penalty).*
- v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;*
- vi) Criminal proceedings ought not to be scuttled at the initial stage;*
- vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;*



viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;

ix) The functions of the judiciary and the police are complementary, not overlapping:

x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;

xi) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;

xii) The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

xiii) The power under Section 482 Cr.P.C., 1973 is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court;

xiv) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of *R.P. Kapur (supra)* and *Bhajan Lal (supra)*, has the jurisdiction to quash the FIR/complaint;



xv) *When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., 1973 only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR.*

xvi) *The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 Cr.P.C., 1973 and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or "no coercive steps to be adopted" and the accused should be relegated to apply for anticipatory bail under Section 438 Cr.P.C., 1973 before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or "no coercive steps" either during the investigation or till the investigation is completed and/or till the final report/chargesheet is filed under Section 173 Cr.P.C., 1973 while dismissing/disposing of the quashing petition under Section 482 Cr.P.C., 1973 and/or under Article 226 of the Constitution of India.*

xvii) *Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 Cr.P.C., 1973 and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required*



to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order.

xviii) Whenever an interim order is passed by the High Court of "no coercive steps to be adopted" within the aforesaid parameters, the High Court must clarify what does it mean by "no coercive steps to be adopted" as the term "no coercive steps to be adopted" can be said to be too vague and/or broad which can be misunderstood and/or misapplied."

5.2. More recently, the Hon'ble Supreme Court in a judgment titled as ***Mahmood Ali & Ors. Vs. State of U.P. and Ors., 2023 AIR Supreme Court 3709*** has held as under:

"12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of



the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”

6. Indubitably, the wide plenary powers of this Court under its inherent jurisdiction are saved by virtue of Section 528 BNSS, 2023, which except for self-imposed restrain(s), are not bound by any restriction or limitation. However, the wider the powers are, more is the duty upon the Courts to invoke extraordinary inherent jurisdiction with utmost circumspection. It is the statutory right as well as the duty of the Police to investigate into a cognizable offence. *Ergo*, where the allegations, *prima facie*, disclose the commission of cognizable offence, this Court must act with deference while considering a plea for quashing of the FIR. It is not disputed before this Court that challan (charge-sheet) has not yet been filed. It is not *apropos* for this Court to embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations, particularly, when the case is at the stage of investigation, *lest*, it may tantamount to usurping the jurisdiction of an authority, statutorily vested with the powers to conduct investigation. Save in exceptional cases, where the conduct of investigation itself is a miscarriage of justice, such as where allegations, *prima facie*, do not disclose commission of a cognizable offence, interference by this Court, under the inherent jurisdiction is justified.



7. In the present case, the FIR contains specific allegations regarding receipt of secret information, compliance of statutory provisions, recovery of contraband from the co-accused and subsequent disclosure statements naming the petitioner as the supplier of the contraband. In the considered opinion of this Court whether the disclosure statements are admissible; whether there is any independent material connecting the petitioner with the alleged offence and whether the CCTV footage relied upon by the petitioner is genuine or not, are all matters of evidence which cannot be ratiocinated upon by this Court in a petition seeking quashing. The petitioner has been nominated on the basis of disclosure statement of the co-accused and the evidentiary value of such statement is a matter to be considered by the Court below at the appropriate stage. Furthermore, the grant of bail to the petitioner by the learned Additional Sessions Judge, Rohtak, also does not *ipso facto* entitle the petitioner to seek quashing of the FIR. The considerations for grant of bail and for quashing of criminal proceedings are entirely different. The plea of false implication and prior illegal detention is also a disputed question of fact which requires appreciation of evidence and such issues cannot be adjudicated upon in proceedings under Section 528 BNSS. From a plain reading of the FIR and the material placed on record, it cannot be said that no cognizable offence is made out against the petitioner. The allegations disclose commission of offences under Sections 21 and 29 of the NDPS Act. Keeping in view the entirety of the facts and circumstances of the present case, this Court is of the considered view that no case for quashing of instant FIR is made out.



8. As an upshot of above-said rumination, it is directed as follows:

- (i) The petition; seeking quashing of FIR No.557 dated 17.12.2025 registered under Sections 21 and 29 of the NDPS Act at Police Station Shivaji Colony, Rohtak, and all consequential proceedings arising therefrom; is dismissed.
- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on the merits of the case and the Police/trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

March 05, 2026
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No