



**In the High Court of Punjab and Haryana, at Chandigarh**

**Criminal Misc. No. M-14084 of 2026**

**Date of Decision: 12.05.2026**

Baljeet Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Surya Partap Singh.**

Present: Ms. Rashi Verma, Advocate  
for Mr. Manu Loona, Advocate  
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,  
Punjab.

**Surya Partap Singh, J.**

1. This petition under Section 528 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023', hereinafter being referred to as "BNSS" only, has been filed for quashing/setting aside of the order dated 07.10.2026 passed by the learned Additional Sessions Judge, Fazilka, in a criminal revision, i.e. Criminal Revision No. 94 of 2023, titled as "Baljeet Singh v. State of Punjab". According to petitioner, by virtue of above-mentioned order, the petition has been wrongly dismissed by the learned Revisional Court.

2. **Notice of motion.**

3. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1-State. Hence, service of notice upon the State is

hereby dispensed with.

4. Heard.

5. In nut-shell, the facts emerging from the record are that one FIR, i.e. FIR No. 111 dated 05.07.2021, for the commission of offence punishable under Section(s) 379-B, 324, 506 and 34 of 'the Indian Penal Code, 1860', hereinafter being referred to as "IPC" only, has been lodged against the petitioner in Police Station Vairo Ke, District Fazilka, Punjab. It is the claim of the petitioner that in the above-mentioned case, the petitioner was arrested as an accused and at the time of his arrest, the petitioner was brutally beaten up and injured by the respondents No.2 and 3, along with private respondents No.4 to 8. According to learned counsel for the petitioner, when the petitioner was produced before the court of learned Judicial Magistrate 1<sup>st</sup> Class, Jalalabad, for the purpose of remand, on his request the medico-legal examination of the petitioner was conducted and it was found that he had suffered nine injuries on his person. It has further been contended by learned counsel for the petitioner that thereafter, the complainant (the petitioner herein) filed an application before the learned Judicial Magistrate 1<sup>st</sup> Class under Section 156(3) of 'the Code of Criminal Procedure, 1973', hereinafter being referred to as "Cr.P.C." only, for taking appropriate action against the errant police officials and other private respondents, and that on the above-mentioned complaint, the order dated 17.08.2023 was passed which led to the registration of FIR No. 134 dated 15.10.2023, for the commission of offence punishable under Sections 330 and 34 IPC, Police Station Vairoke, District Fazilka.

6. The learned counsel for the petitioner has further contended that despite the registration of above said FIR, no investigation is taking place

and the private persons, who were arraigned as accused, have not been prosecuted. As per learned counsel for the petitioner, aggrieved of the above-mentioned conduct of the Investigating Agency, the revision petition was filed which culminated into impugned order.

7. The record has been perused carefully.

8. A perusal of the record shows that the only grievance, as raised during the course of arguments, is that the private respondents No.4 to 8 have not been prosecuted in the FIR No. 134 dated 15.10.2023. With regard to above, it is relevant to note here that if an investigation has been conducted, and few of the accused mentioned in the FIR have not been prosecuted by the police, the remedy available to the aggrieved party/complainant (petitioner herein) is to approach the court of Judicial Magistrate 1<sup>st</sup> Class for taking cognizance either by resorting to Section 190 of Cr.P.C. [Section 210 BNSS] or Section 319 Cr.P.C.[Section 358 BNSS]. At this stage, when the entire evidence collected by the Investigating Agency, is not available on record, this plea of the petitioner in the petition under Section 528 of BNSS cannot be determined as to whether the above said four persons were liable to be prosecuted for the offence or not.

9. Thus, it is hereby held that the present petition deserves to be disposed of with liberty to the petitioner to approach the court of learned Judicial Magistrate 1<sup>st</sup> Class and take appropriate remedy as discussed above.

10. However, in view of the fact that apparently, no illegality has been committed by the learned Sessions Court while dealing with the revision petition, it is hereby held that there is no scope for interference and

indulgence in the finding recorded by the learned Revisional Court.

11. In view of above-mentioned discussion, the present petition is hereby **disposed of** with liberty to the petitioner to approach the court of learned Judicial Magistrate 1<sup>st</sup> Class and take appropriate remedy.

(Surya Partap Singh)  
Judge

May 12, 2026  
“DK”

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