



142

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

**CRM-M No.25683 of 2026
Decided on: 07.05.2026**

Satnam Singh @ Satta

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mitul Singh Rana, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for quashing of FIR No.242, dated 09.10.2025, under Sections 21(c), 29, 61, 85 of NDPS Act, registered at Police Station Tanda, District Hoshiarpur along with all subsequent proceedings arising therefrom including the challan dated 01.04.2026 qua the petitioner. Further prayer has been made for staying the further proceedings arising out of the FIR during the pendency of the present petition.

2. Succinctly, the facts of the case are that the police party while on patrolling on 09.10.2025 at T-point near village Manpur Mor on the road leading to village Talwandi Sallan, they saw a silver Toyota Innova car coming from the side of village Talwandi Sallan. On seeing the barricading, the said vehicle was stopped and driver of the car tried to reverse the same, however the car got stuck in a dirt pit on the roadside



and stopped. Three young persons sitting in the car, who alighted from the said car and tried to ran away from the spot, however, all were apprehended by the police party. On asking, they disclosed their names to be Balwinder Singh @ Vadda, Jashandeep Singh @ Jashan and Balbir Khan. They were suspected to be carrying some contraband in the car and thus, search of the Innova car was conducted. On conducting the search of the car, a black coloured polythene packet from the dashboard of the car was recovered, in which two yellow coloured parcels were there. On conducting the search of those parcels, heroin was recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and all three accused were arrested on the spot. The samples taken were sent to the FSL. On receipt of the FSL report, the contraband recovered was found to be 1 Kg 100 grams of heroin. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced on the basis of disclosure statement of Jashandeep Singh @ Jashan and thus, he was also arrayed as an accused in the present case. Hence, the petitioner has approached this Court by way of filing the present petition praying for the quashing of FIR.

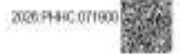
3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case on the basis of false and concocted story. He has submitted that the petitioner has been roped in the present case only on the basis of disclosure statement of co-accused, which in itself is not even an admissible evidence. He has submitted that neither the petitioner is named in the FIR nor any recovery has been effected from him. He has further



submitted that the petitioner in his disclosure statement has given two bank account numbers and on investigation, it has been revealed that those accounts belong to third party, namely, Dilraj Singh and Raju Singh and thus, no connection whatsoever has been established between the petitioner and those accounts. He has submitted that there is no transaction which linked the petitioner to the alleged crime. He has submitted that the investigation is complete and the challan has already been presented on 01.04.2026. He has further submitted that there is no evidence made against the petitioner. He has relied upon the judgments passed by Hon'ble the Supreme Court in '*R. P. Kapur vs. State of Punjab*', AIR 1960 SC 866; '*State of Haryana vs. Bhajan Lal*', AIR 1992 SC 604; '*Kashmira Singh vs. State of Madhya Pradesh*', AIR 1952 SC 159 and by Madhya Pradesh High Court in '*Jogiram vs. State of M.P.*' Misc. Criminal Case No.45785 of 2023, decided on 13.10.2023.. He has submitted that in the overall facts and circumstances of the present case, prosecution of the petitioner is nothing but an abuse of the process of the Court and the thus, the present FIR deserves to be quashed qua the petitioner.

4. Notice of motion.

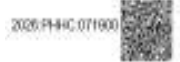
5. On asking of the Court, Mr. K. D. Sachdeva, DAG, Punjab, appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner. He has submitted that though the petitioner was not named in the FIR, however, on the basis of disclosure statement of the co-accused, namely, Jashandeep Singh @ Jasha, the petitioner has been arrayed as an accused in the present case. He has submitted that there are allegations against the



petitioner that he introduced the co-accused, namely, Jashandeep Singh @ Jashan to a Pakistani national, namely, Ahmed and had facilitated the procurement of heroin. He has further submitted that the petitioner is involved in the business of illegal drug trafficking. He has further submitted that the allegations against the petitioner are serious in nature. He has thus submitted that no case for quashing of the FIR is made out and the present petition deserves to be dismissed.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. The allegations made in the FIR and the material collected during the investigation cannot be meticulously examined at this stage to determine their truthfulness. The petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, namely, Jashandeep Singh @ Jashan as he introduced the co-accused with a Pakistani national and had facilitated the procurement of heroin and the investigating agency is yet to collect further evidence. Whether such disclosure statement is corroborated by independent evidence or not, is a matter to be examined during the course of investigation or at the stage of trial. The reliance placed by learned counsel for the petitioner on the judgment in **State of Haryana vs. Bhajan Lal** (supra) is misconceived in the facts of the present case, as the case does not fall within the exceptional categories warranting interference at this stage. The allegations of false implication and *mala fide* action, as raised by the petitioner, involve disputed questions of fact, which cannot be adjudicated upon in proceedings under Section 482 Cr.P.C. As submitted before this Court the case is still under



investigation. Parameters for invoking its power under Section 528 of BNSS, 2023 by this Court, have been laid by Hon'ble Supreme Court in **Bhajan Lal's** case (supra), which read as under:-

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary 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 channelized 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 FIR 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 FIR 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 mala 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.”

8. Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and another, (2012) 10 SCC 303**, has further held as under:-

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any Court. In what cases power to



quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or



continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

9. Hon'ble the Supreme Court in the case of Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and another, 2021 SCC Online SC 315 has held that the High Court should exercise the power of quashing under Section 528 of BNSS, 2023 sparingly with circumspection in the rarest of rare cases and also criminal proceedings ought not to be scuttled at the initial stage.

10. From the facts and circumstances of the present case, it is apparent that there are disputed questions of fact, which can be adjudicated only after carrying out a thorough investigation and leading evidence. The Court has to be circumspect for invoking its power under Section 528 of BNSS, 2023 for quashing of FIR at threshold.

11. Thus, weighing the facts and circumstances of the present case on the anvil of law settled, no ground for quashing the FIR is made out. Hence, the present petition is hereby dismissed.

12. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

07.05.2026

(RAJESH BHARDWAJ)
JUDGE

<i>rittu</i>	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No