



CRM-M-26024-2026

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-26024-2026

Decided on: 08.05.2026

Swaranjit Sehgal

.....Petitioner

Versus

The State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Robin Singh Bhullar, Advocate for the petitioner.

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SANJAY VASHISTH, J.(Oral)

1. Present petition has been filed under Section 528 of the BNSS seeking setting aside of the order dated 11.03.2026 (P-5) passed by the learned Sub Divisional Judicial Magistrate, whereby the cancellation report in FIR No. 240 dated 12.10.2015, under Sections 419 and 420 IPC (corresponding to Sections 319(2) and 318(4) of the BNS, 2023), registered at Police Station City Jagraon, has been accepted without even recording that the notice issued to the petitioner had not been received by him.

2. Learned counsel for the petitioner refers to the summoning report (P-7), wherein it has been recorded as under:

“ Sir,

*It is informed that the concerned officer is on leave; therefore, the notice could not be served.*

*Report Submitted.*

*Baldeep Singh CT/172*

*Summon Staff*

*Ludhiana Rural.”*

3. Notice of motion.

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4. Mr. Neeraj Madaan, Sr. DAG, Punjab accepts notice on behalf of respondent/State.

Learned State counsel submits that petitioner could have availed the remedy of filing a revision petition before the Court of Sessions; therefore, present petition is not maintainable and prays for its dismissal.

5. I have heard learned counsel for the parties and have gone through the record, including the summoning report.

6. From the order dated 11.03.2026 (P-5), this Court does not find any recording with regard to service of notice upon the complainant/petitioner. Merely on the basis of absence of the complainant and non-filing of any protest petition, cancellation report has been accepted. The issue involved is limited in nature; therefore, objection raised by learned State counsel regarding maintainability is not found to be tenable, as relegating the petitioner to another remedy would only result in multiplicity of litigation and unnecessary delay.

Accordingly, present petition is allowed. Order dated 11.03.2026 (P-5) is set aside, and learned Sub Divisional Judicial Magistrate/concerned Area Magistrate is directed to afford an opportunity of hearing to the complainant/petitioner and thereafter decide the matter afresh in accordance with law.

Disposed of.

**SANJAY VASHISTH)**  
**JUDGE**

**08.05.2026**  
Rashmi

Whether Speaking/Reasoned: **YES/NO**



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Whether Reportable: ~~YES~~/NO