

2026:PHHC:001331



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

122

CRM-M-36247-2021 (O&M)
Date of decision : 12.01.2026

Yadwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sapan Dhir, Advocate
for the petitioner. (Through VC)

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

MANISHA BATRA, J.(Oral)

1. Prayer in this petition, filed under Section 482 of the Code of Criminal Procedure (*for short* 'Cr.P.C.'), is for quashing of FIR No. 98 dated 01.08.2019, registered under Sections 61, 69 and 78 of the Punjab Excise Act, 1914 (*for short* 'Act') at Police Station Sherpur, District Sangrur as well as final report filed under Section 173 of Cr.P.C., dated 25.03.2020 along with all the subsequent proceedings having emanated therefrom.

2. The aforementioned FIR was registered on the allegations that on 01.08.2019, on receipt of a secret information to the effect that the petitioner, along with the co-accused, was engaged in the business of selling country-made liquor by bringing it from the State of Haryana at cheaper rates and that on the said date, the co-accused Karanvir Singh alias Karan, Prabhjot Singh alias Prabhu and Hardial Singh, who were employed by the petitioner and co-accused Sukhvir Singh alias Sukha, were bringing country-

2026:PHHC:001331



made liquor from the State of Haryana to the State of Punjab in two cars and they could be apprehended. A barricade was laid at Ramnagar Chhanna Road leading from village Bhari to Ramnagar. Two cars bearing registration numbers PB-19-M-1708, make Verna, and PB-13-AU-2191, make Swift, were stopped and apprehended, and a huge quantity of country-made liquor was recovered from the said cars, which were occupied by the co-accused Karan Veer Singh alias Karan, Prabhjot Singh alias Prabhu and Hardial Singh. The car bearing registration number PB-19-M-1708 was found to be registered in the name of the present petitioner. Co-accused Karanvir Singh alias Karan, Prabhjot Singh alias Prabhu and Hardyial Singh suffered disclosure statements to the effect that they were employees of the petitioner and co-accused Sukhvir Singh alias Sukha and had brought the country-made liquor from the State of Haryana on commission basis. The recovered liquor was taken into possession. The petitioner was joined in the investigation on 15.01.2019. The investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that the impugned FIR, the challan report presented under Section 173 Cr.P.C. as well as the subsequent proceedings initiated on the basis thereof, are liable to be quashed, since the jurisdictional Court is not competent to take cognizance of the matter in view of Section 75 of the Punjab Excise Act. It is argued that the challan in this case was presented beyond a period of one year from the date on which the offence was allegedly committed and, hence, cognizance is barred. It is further argued that the sample was sent after a delay of five days from the date of alleged recovery and, therefore, there were chances of tampering with the case property. On these broad

2026:PHHC:001331



submissions, it is urged that the petition deserves to be allowed and the impugned FIR and subsequent proceedings are liable to be quashed.

4. Reply has been filed. It is argued by learned State counsel that the challan report had been submitted before the concerned court on 28.07.2020, which is within a period of one year from the date of registration of the FIR, i.e. 01.08.2019 and, therefore, the bar under Section 75 of the Punjab Excise Act is not attracted. It is further argued that after conducting a thorough and proper investigation, the challan was presented and a *prima facie* case for commission of the subject offences has been made out against the petitioner, who was found to be actively involved in the commission of the offence. The veracity of the allegations as levelled against the petitioner can be tested in the trial which is already taking place before learned trial Court and no ground for quashing the FIR has been made out. Therefore, it is urged that the petition is liable to be dismissed.

5. This Court has heard the learned counsel for the parties.

6. At the outset, it will be profitable to look into the scope and ambit of the Court's power under Section 482 Cr.P.C. (*which is pari materia with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023*) as spelt out in several judicial pronouncements of Hon'ble Supreme Court as well as different High Courts. The well settled proposition of law is that in exercise of inherent powers under Section 482 Cr.P.C., the High Court is not expected to analyze all the facts, which are to be placed before the High Court. The power conferred under this section is very specific. To secure the ends of justice, to prevent the abuse of process of Court or to make any such

2026:PHHC:001331



orders as may be necessary to give effect to any order under the Code, such power can be exercised to prevent abuse of process of Court. The Hon'ble Supreme Court has drawn up some guidelines in some categories of cases by way of illustration to circumscribe the exercise of inherent power under Section 482 of Cr.P.C. to prevent abuse of process of any Court or to secure the ends of the justice or to give effect to an order of the Court. A celebrated pronouncement on this point is the case cited as ***State of Haryana Vs. Bhajan Lal : 1992 SUPP (1) SCC 335***, wherein Hon'ble Supreme Court had discussed different categories of cases wherein the power under Section 482 Cr.P.C. could be exercised either to prevent abuse of process of law or otherwise to secure the ends of justice, while observing that it might not be possible to lay down any precise, clearly defined, sufficiently channelized, inflexible guidelines or rigid formulae and to give an exhaustive list or myriad kind of cases where such powers should be exercised. Reliance can also be placed upon ***Neeharika Infrastructure vs. State of Maharashtra : 2021 SCC OnLine SC 315***, wherein the Apex Court observed that the Courts ought to be cautious in exercising powers under Section 482 of Cr.P.C. They do have power to quash. The test is whether or not the allegations in the FIR disclose the commission of a cognizable offence? The merits of the allegations are not to be entered into nor the power of the investigating agency to investigate into allegations involving the commission of a cognizable offence is to be trenched upon.

7. Now adverting to the present case. The main thrust of the argument raised by learned counsel for the petitioner was that the FIR was registered on 01.08.2019 under Section 61 of the Act, whereas the challan

2026:PHHC:001331



was presented on 29.08.2020 i.e. after 01 year and 28 days, and therefore, the Court could not take cognizance of this offence. Undoubtedly, under Section 75 of the Act, no Magistrate can take cognizance of an offence punishable under Section 61 of the Act, unless the prosecution is instituted within a period of one year from the date on which the offence was committed. The stand taken by learned counsel for the petitioner is that the challan in this case was presented on 29.08.2020. However, the respondent-State has placed on record copies of the orders dated 28.07.2020 and 29.08.2020 passed by the jurisdictional Magistrate. A perusal of the same reveals that the challan in this case was very much presented on 28.07.2020 and was ordered to be registered on the same day. Since it was Covid period, as notice was issued to the accused i.e. the petitioner for 29.08.2020. The order dated 29.08.2020 reads as under:

“Challan presented. Accordingly, remand papers disposed of and attached with the challan.”

8. On a perusal of the order dated 29.08.2020, it is apparent that there was no mention therein that the challan was presented on that very date but it can reasonably be assumed that the fact that challan already stood presented had been reiterated in this order and the remand papers were ordered to be attached with the challan report. As such, the plea that the challan was presented after a period of one year from the commission of the subject offences has no legs to stand and hence cannot be accepted. So far as the plea regarding sending of samples after a gap of five days is concerned, the effect thereof has to be considered during the course of trial by the trial

2026:PHHC:001331



Court and not at this stage. It is crystal clear that neither there was any exceptional circumstance warranting quashing of the FIR as per the parameters laid down in *Bhajan Lal*'s case (supra) nor it can be stated that the jurisdictional Magistrate could not take cognizance of the offences due to some time bar. Accordingly, finding no ground to allow the petition, the same is dismissed.

9. Miscellaneous application(s), if any, also stand disposed of.

12.01.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No