



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

141

CRM-M-28124-2025 (O&M)

Date of decision: 20.01.2026

Budh Singh

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- None for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR bearing No.124 dated 17.07.2021 under Sections 302, 307, 341, 427, 506, 148, 149, 120-B of the Indian Penal Code, 1860 and Sections 25, 27 of the Arms Act, 1959, registered at Police Station Sadar Kotkapura, District Faridkot, against the present petitioner and 8 other persons, along with all subsequent proceedings arising therefrom.

2. The matter was adjourned on 23.05.2025 and ordered to be heard with CRM-M-51965-2023. Thereafter, on both the occasions, when the matter was taken up, no one appeared on behalf of the petitioner. The matter was thus adjourned for today. No one has appeared on behalf of the petitioner today as well, despite the case having been called twice. Besides, CRM-M-51965-2023 has already been disposed of by this Court as having been rendered infructuous. Further, wait is thus not justified, hence, the

matter is being examined on merits.

3. Briefly stated, the facts leading to the registration of the FIR are that complainant-Surinder Kaur, wife of Gurdarshan Singh, mother of the deceased Navjot Singh @ Navi stated that her sister-in-law, namely Gurjinder Kaur (sister of her husband), had been married to Balwinder Singh, son of Hakam Singh, resident of Village Rajeana and that Gurjinder Kaur had passed away in the year 1996. Thereafter, Balwinder Singh contracted a second marriage with Iqbal Kaur. However, disputes subsequently arose between Balwinder Singh and Iqbal Kaur with regard to property and money. As a result of the same, for the past about ten years, Balwinder Singh had been residing separate with the complainant and her family, who were assisting him in pursuing complaints against Iqbal Kaur. It was further alleged that Iqbal Kaur was being supported by her brother-in-law (jija), Anandeep Singh alias Roma. According to the complainant, Iqbal Kaur had illegally occupied the house of Balwinder Singh (Nandoiya) and a complaint in this regard was pending before Police Station NRI, Moga, which was fixed for enquiry on 17.08.2021. It was stated that on the morning of the occurrence, the complainant, her son Navjot Singh @ Navi, her brother-in-law Balwinder Singh and their relative Mandeep Singh alias Babbu, son of Gurmeet Singh, resident of Malout Road, Muktsar, were proceeding towards Moga in a car bearing registration No. DL-10-CF-0120 (Ford Figo). When they had just crossed Village Wara Draka and were heading towards Kotkapura, at about 11:00 a.m., a black Scorpio, two Thar vehicles, one Innova and another unidentified vehicle attempted to encircle their car. It was further stated by the complainant that the deceased-Navjot

Singh, who was driving the car, turned onto a link road, but the offending vehicles continued to chase them, hitting their car from behind and firing gunshots with an intention to kill them. The complainant's party, after passing through Village Wander Jatana, reached the Kotkapura–Muktsar main road, where the offending vehicles surrounded their car and Anandeep Singh alias Roma, armed with an iron rod, along with 15–20 unidentified persons armed with hockey sticks, baseball bats, and rods, alighted from the vehicles and assaulted Navjot Singh. When Balwinder Singh and Mandeep Singh attempted to rescue him, they were also beaten and sustained injuries. All the injured persons were taken to Civil Hospital, Kotkapura, for treatment. However, due to the serious nature of the injuries sustained by Navjot Singh, he was referred to GGS Medical College and Hospital, Faridkot, where he succumbed to his injuries during the course of treatment. The complainant alleged that Navjot Singh was killed by Anandeep Singh alias Roma along with his associates, at the instance of Iqbal Kaur and Sukhi, residents of Village Rajeara, which led to the registration of the present FIR.

4. It is further averred in the petition that the petitioner was not named in the complaint lodged by the complainant and his name was added later on during the course of investigation and he was granted the concession of bail vide order dated 01.12.2024. It is contended that during the course of investigation, statements of various persons were recorded, wherein it was alleged the petitioner had conducted a recce from Sri Muktsar Sahib and that, on the basis of the input, the incident in question took place. It is further alleged that merely because the petitioner is stated to have been present at

the spot at the time of the occurrence, proceedings have been initiated against him, which renders the continuation of proceedings against the petitioner unsustainable and liable to be quashed.

5. It is also alleged that witness/Balwinder Singh, is himself facing prosecution in case bearing FIR No.25/2020 registered under Section 182 of the Indian Penal Code, 1860 at Police Station Bagha Purana. It is contended that the said witness, thereafter, fled to Australia and was declared as a proclaimed offender, and, on that account, his testimony is liable to be impeached. It is also submitted that offences under Section 120-B alongwith 148 and 149 of the Indian Penal Code, 1860 have also been added notwithstanding that mere presence of the petitioner at the spot at the time is not sufficient to assume offence.

6. It was thus averred that the basic ingredients for the offence are not made out. Besides, the petitioner had not been named in the FIR and roles were attributed to only three persons. The accusations are without any substantial proof and is only to slander the reputation of the petitioner.

7. It is evident from the pleadings that the case has been filed on the basis that evidence of witnesses needs to be ignored and be discredited. The said basis is however legally untenable. High Court would not ordinarily sift the evidentiary value of the testimony and evidence in a quashing petition. The same is a course of trial.

8. Further, merely because some of the witnesses have criminal antecedents, the same would not be sufficient for this Court to assume, that the deposition by such witnesses ought to be impeached at the outset. The credibility and evidentiary value of such witnesses are matters required to be

examined during the course of trial. At this stage, no legal presumption can be drawn in favour of the petitioner on that count.

9. This Court would not undertake a detailed evaluation of the factual matrix or record findings on matters which are required to be tested during the course of trial. In the absence of any exceptional circumstance warranting interference at this juncture and keeping in view that the issues raised are factual and to be examined by the trial Court on the basis of evidence led by the parties, I find that the present petition is devoid of merits and is, therefore, ***dismissed***.

10. ***Ordered accordingly.***

11. The petitioner shall be however at liberty to take all pleas before the trial Court, if so advised.

(VINOD S. BHARDWAJ)
JUDGE

20.01.2026

Mangal Singh

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