



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

137

CRM-M-29388 of 2026 (O&M)

Date of Decision: 21.05.2026

Ravinder Pal Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MS. JUSTICE NEERJA K. KALSON

Present: Mr. Arun Luthra, Advocate
for the petitioners.

Mr. Gaurav Kathuria, DAG., Punjab.

NEERJA K. KALSON, J.

1. Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of the order dated 22.04.2026 passed by the learned Judicial Magistrate Ist Class, Amritsar, in case titled 'State V. Ravinderpal Singh etc.,' bearing CRM-1350 of 2026, whereby warrants of arrest have been issued against the petitioners in FIR No.74 dated 24.09.2025 registered under Sections 406 and 498-A IPC at Police Station Women, Amritsar, District Police Commissionerate, Amritsar.

2. Learned counsel for the petitioners submits that the impugned order has been passed in a mechanical manner without proper application of mind and without recording any compelling reasons necessitating issuance of warrants of arrest. It has been argued that the petitioners were never intentionally evading the investigation and that the learned Magistrate failed to appreciate that the petitioners had already approached this Court by way

of CRM-M-65252 of 2025 seeking quashing of the FIR. It has further been contended that no extraordinary circumstances existed warranting adoption of coercive process and that the learned trial Court failed to consider whether the participation of the petitioners in the investigation could have been secured through less coercive means.

3. *Per contra*, learned State counsel has strongly opposed the present petition and submits that despite repeated notices issued under Section 35(3) BNSS on different dates, the petitioners deliberately failed to join the investigation. It has been submitted that notices were duly served upon the petitioners and even telephonic intimation was given, however, the petitioners chose not to cooperate with the Investigating Agency. Learned State counsel further submits that recovery of "istridhan" was still pending and the investigation could not proceed effectively on account of persistent non-cooperation on the part of the petitioners. It has also been argued that mere pendency of a petition seeking quashing of the FIR before this Court did not grant any immunity to the petitioners from joining investigation, particularly in the absence of any interim protection operating in their favour.

4. I have heard learned counsel for the parties and have perused the paper-book as well as the impugned order.

5. A perusal of the impugned order dated 22.04.2026 reveals that the learned Judicial Magistrate Ist Class, Amritsar, has not proceeded mechanically while issuing the warrants of arrest. The learned Magistrate has specifically noticed that notices under Section 35(3) of the BNSS were issued to the petitioners on multiple occasions directing them to join the

investigation, however, despite service thereof, the petitioners failed to appear before the Investigating Agency. The learned Magistrate also took into consideration the statement of the Investigating Officer to the effect that the petitioners were not cooperating in the investigation and that further investigation including recovery of istridhan was still pending.

6. The contention raised on behalf of the petitioners, that since they had already approached this Court by filing a petition seeking quashing of the FIR, therefore, coercive process ought not to have been issued, does not merit acceptance. It is well settled that mere pendency of a petition seeking quashing of an FIR neither results in automatic stay of investigation nor creates any immunity against arrest unless specific interim protection has been granted by the competent Court. Admittedly, no such protective order was operating in favour of the petitioners.

7. The statutory scheme governing criminal investigation casts a corresponding obligation upon the accused to cooperate with the Investigating Agency. Once notices under Section 35(3) of BNSS had repeatedly been issued and the petitioners failed to join the investigation, the Investigating Agency could not have been rendered remediless in securing their presence. Criminal investigation cannot be permitted to be frustrated by the deliberate non-cooperation on the part of the accused persons.

8. It is true that issuance of warrants of arrest is a coercive measure affecting personal liberty and, therefore, such power is required to be exercised cautiously. However, the impugned order reflects conscious application of mind by the learned Magistrate to the material placed before it including repeated non-compliance of notices, pendency of investigation and

necessity of securing the presence of the petitioners. Thus, this Court does not find that the learned Magistrate acted arbitrarily or de hors the settled principles governing issuance of coercive process.

9. This Court, while exercising inherent jurisdiction under Section 528 BNSS, does not sit as a Court of appeal against every interlocutory order passed during investigation. Interference would be warranted only where the impugned order suffers from patent illegality, gross perversity or manifest abuse of process of law. No such exceptional circumstance is made out in the present case warranting interference by this Court.

10. Consequently, finding no illegality, perversity or jurisdictional infirmity in the impugned order dated 22.04.2026 passed by the learned Judicial Magistrate Ist Class, Amritsar, the present petition being devoid of merit is hereby dismissed.

11. However, it is clarified that if the petitioners now choose to join the investigation and extend full cooperation to the investigating Agency, it shall remain open to them to avail such remedies as may be permissible to them in accordance with law.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

(NEERJA K. KALSON)
JUDGE

21.05.2026

s.khan

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