2026:PHHC:062289

250 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32816-2019
Date of Decision: 20.04.2026

Amandeep Singh @ Amarbir Singh

..... Petitioner

Versus

State of Punjab and another .....Respondents

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

Present: Mr. Jatinder Kumar Kansal, Advocate for
Mr. Abhinav Gupta, Advocate,
for the petitioner.

Dr. Savi Nagpal, AAG, Punjab.

Mr. Harmeet Singh, Advocate for
Mr. Navkiran Singh, Advocate,
for respondent No.2.

Vinod S. Bhardwaj, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.106 dated 21.07.2016 registered under Sections 148 and 302 read with Section 149 IPC and Sections 25/27 of the Arms Act along with all consequential proceedings, including order dated 11.05.2018 whereby petitioner was declared a proclaimed person.

2. Learned counsel appearing on behalf of the petitioner contends that FIR in the present case has been registered on the statement of one Rajinder Kumar son of Sh. Baisakhi Ram and the same reads thus:-

> *"Statement of Shri Rajinder Kumar @ Mintu son of Vaisakhi Ram, resident of House No. WG-374, Neewa Suraj Ganj, Jalandhar, aged approximately 60 years. It is stated that I am resident of above mentioned address. We are five brothers. We brothers work as laundry men at washing place near Doordarshan Kendra, Jalandhar. Today around 5.50 PM in evening, when I was putting the clothes for drying at washing*

SANJAY
2026.04.30 18:26
I attest to the accuracy and
integrity of this document

place then at that time my brother Rimpal Kanojia @ Janta was also standing near me. At that time, Rimpal's friend Ankush Handa alias Chetan son of Som Parkash Handa, resident of Ali Mohalla was also present there. Then one car with a stepony tyre hung on its back came from the side of Nakodar Chowk and stopped at washing place. Gagan Singh Sidana alias Mani resident of BSF Colony Jalandhar, Bablu alias 3D resident of Street No.2 Aman Nagar, Jalandhar, Amandeep and 2/3 unknown men were sitting inside the car who at once came out of it. Out of them, Gagan Singh alias Mani fired a shot at my brother Rimpal Kanojia, which hit his head and assailants while raising 'lalkaras' ran away in the said car. As a result, my brother Rimpal Kanojia fell down and blood started oozing from his head. We moved him to the Satyam Hospital for treatment but he died while getting treatment from the hospital. The motive behind the crime is that on the intervening night of 20/21.07.2016, above mentioned assailants had a fight with my brother Rimpal and his friends Goru, Ankush Handa and Gajinder Singh at Amar Nagar, Jalandhar which fact was told by Ankush Handa alias Chetan son of Som Parkash Handa resident of Ali Mohalla, Jalandhar and my brother Rimpal to me. Above mentioned assailants have killed my brother by firing a bullet shot. Strict action be taken against them."

3. Learned counsel appearing on behalf of the petitioner contends that as per the aforesaid allegations, one Rimpal Kanojia @ Janta died as a result of gun fire shot. He submits that on receipt of the said information and registration of the FIR, investigation was conducted and a final report under Section 173 of the Code was submitted by the Police on 14.09.2016. The petitioner was found innocent during the investigation. As per the investigation which was conducted by Assistant Commissioner of Police.

SANJAY
2026.04.30 18:26
I attest to the accuracy and
integrity of this document

Central, Jalandhar, a specific finding was recorded to the effect that the petitioner along with one co-accused Bablu @ 3D were not present at the spot and the same was established from the tower location and CCTV footage collected during the course of investigation. An application was moved under Section 319 of the Code and vide order dated 27.09.2017 petitioner was summoned along with co-accused to face trial.

4. Counsel contends that the petitioner had meanwhile been granted the work Visa by the Government of Canada for a period of two years from 06.12.2017 to 06.12.2019 and he left for Canada on 25.12.2017, hence, he could not appear before the trial Court as he had not been served till the time he left India. He further submits that on account of prolonged absence of the petitioner, he was declared as proclaimed person vide order dated 11.05.2018. He vehemently argued that the other seven persons, who faced trial were acquitted by the Additional Sessions Judge, Jalandhar vide judgment dated 16.01.2019. It was specifically contended that the complainant eye witness had not supported the case of the prosecution and had deposed specifically to the effect that the accused persons, who were present in the Court, were not the persons who had come on the vehicle on the fateful day and fired shot upon his deceased brother Rimpal Kanojia. He submits that the allegations, as unfolded from the version of the prosecution as to the fact that the petitioner was holding a *dattar* when he was accompanying the other co-accused, there was no *dattar* injury on the person of the deceased and he died as a result of gun fire shot. When the presence of the main accused, including the accused from whom the weapon had been recovered, is denied by the respondent-complainant, no purpose would be served by continuing the proceedings against the petitioner. Reliance has

SANJAY
2026.04.30 18:26
I attest to the accuracy and
integrity of this document

been placed on the judgment of Division Bench of this Court in ***Sudo Mandal @ Diwarak Mandal Versus State of Punjab, 2011(2) RCR (Criminal) 453***.

5. Counsel for the respondent-State does not dispute the fact that the complainant eye witness (brother of the deceased Rimple Kanojia) had not sustained any injury at the hands of other co-accused and that he was not present at the time of said occurrence. He, however, submits that merely because the co-accused were acquitted, it is not necessary that even petitioner would have no role in the commission of the offence. The argument, thus, advanced are to be seen at the time of trial and ought not to be considered, at this stage.

6. Counsel for the complainant also is not in a position to dispute the fact that all other accused stand acquitted as the prosecution case was not supported by the eye witness, including brother of the deceased. He further concedes that the judgment dated 16.01.2019 acquitting the other accused has not been challenged before any Court.

7. It is undisputed that the complainant levelled a specific allegation that one Gagan Singh @ Mani and Amandeep Singh came alongwith 2/3 other persons in a car. Gagan Singh @ Mani fired the shot that hit his brother Rimpal Kanojia @ Janta, whereafter, all the other accused ran away in the car raising *lalkara*.

8. It remains further undisputed that as per the case, based allegedly on an eyewitness account, there were two named accused who were accompanied by 2/3 more persons. Hence, the maximum number of persons accused are five whereas the persons who were tried for the offence

SANJAY
2026.04.30 18:26
I attest to the accuracy and
integrity of this document

are eight, including the petitioner, who was earlier found innocent and was later summoned to face trial. The Police also recovered one cartridge of a 0.32 bore pistol as well as the car. Later, another revolver was also recovered from a co-accused. In the improved version, attribution against the petitioner was that he accompanied the main accused and was armed with a *dattar*. It is, however, further undisputed that there was no *dattar* injury on the deceased. The only allegation which survives is that of the petitioner accompanying other accused and of having run away in the car raising a *lalkara*.

9. In this background, it would be necessary to refer to the testimony of the complainant-eye witness (brother of the deceased) as well as the conclusion arrived at by the trial Court on consideration thereof. The same reads thus:-

> *"10. As per the prosecution version, the criminal law was set into motion against accused on the statement of complainant Rajinder Kumar @ Mintu recorded before Inspector Paramjit Singh, but this Rajinder Kumar @ Mintu, complainant, while appearing in the witness box as PW-I has not supported the prosecution case. He has deposed to the effect that on 21.07.2016 at about 5:50 PM. he alongwith his brother Rimple Kanojia and Ankush Handa were present at Dhobi-ghat where some unknown persons came on one vehicle and fired shot towards Rimple Kanojia, which struck against the head of his brother Rimple Kanojia. Later on, his brother died. This witness has specifically stated that accused-Gangandeep Singh @ Mani, Sumit Nayyer @ Bawa, Angrej Singh @ Kaka, Sanjay Jogi, Amit Kumar @ Goldy, Rajesh Kumar @ Bablu and Mandeep Nagla @ Ramesh Katta, present in the Court, were not those persons, who came on the vehicle on the fateful day and fired shot upon his brother Rimple Kanojia. P.W2-Ankush Handa, alleged eye witness and P.W5-Bhupinder Singh before whom accused-Gagandeep Singh @ Mani and others alleged to have suffered extra judicial*

SANJAY
2026.04.30 18:26
I attest to the accuracy and
integrity of this document

2026:PHHC:062289

confession, have also not supported the prosecution version. P.W2-Ankush Handa @ Chetan has stated that on 21.07.2016 at about 5.50 PM, when he alongwith Rimple Kanojia and Rajinder Kumar were present at Dhobi-ghat, then, some unknown persons came on one vehicle and fired shot upón Rimple Kanojia, which struck against the head of Rimple Kanojia and he died in the hospital. He has categorically stated that accused-Gangandeep Singh @ Mani, Sumit Nayyer @ Bawa, Angrej Singh @ Kaka, Sanjay Jogi, Amit Kumar @ Goldy, Rajesh Kumar @ Bablu and Mandeep Nagla @ Ramesh Katta, present in the Court, did not come on the spot nor they fired shot upon Rimple Kanojia. He has further stated that accused had not committed the murder of Rimple Kanojia. PW5-Bhupinder Singh has stated that he is running a dairy farm and he did not know Gagandeep Singh @ Mani. He has further stated that on 21.07.2016 at about 11.30 PM, the accused-Gagandeep Singh alongwith other four persons never came to his house nor the accused present in the Court confessed before him that on 21.07.2016, they committed the murder of Rimple Kanojia. Then on the request of learned Addl.Public Prosecutor, all these witnesses were declared hostile and learned Addl. Public Prosecutor was allowed to cross-examine them and they were confronted with their previous statements. But they have denied having made any such statement to the police and have stated that police obtained their signatures on blank papers. Thus, from the cross-examination of P.W1-Rajinder Kumar @ Mintu, P.W2-Ankush Handa @ Chetan and P.W5-Bhupinder Singh, nothing could be elicited which could lend any support to the prosecution version. The Investigating officer of this case namely Inspector Paramjit Singh, while appearing in the witness box as PW6, has simply narrated the formalities of investigation conducted by him in this case and has proved the various documents, which he prepared during the course of investigation. This witness had not witnessed the accused while firing shot upon Rimple Kanojia, deceased. P.W4-Dr. Navneet Kaur had conducted the postmortem on the dead body of Rimple Kanojia, while P.W3-Vishal had identified the body of his cousin Rimple Kanojia vide memo Ex.PB. P.W7-HC Harwinder Singh was the then MHC with whom the case property was deposited. PW-8-HC Balvir Chand was the official, who took the sample parcels to the office of

SANJAY
2026.04.30 18:26
I attest to the accuracy and
integrity of this document

Forensic Science Laboratory, Mohali, for analysis. Thus, testimonies of these witnesses are not much helpful to the prosecution to connect the accused with the commission of crime, as they had not witnessed the occurrence.

*11. The only remaining evidence to be considered is the opinion of the Director of Forensic Science Laboratory Ex.PX. Admittedly, as per the prosecution version, empty shell of 32 bore was deposited with the MHC on 21.07.2016, whereas, the revolver allegedly recovered from one of the accused was deposited with the MHC on 23.07.2016. But it has been admitted by P.W7-HC Harwinder Singh that he sent all the arms and ammunition to the office of Forensic Science Laboratory on 07.09.2016 i.e., after the lapse of 1½ months. Whereas, he has admitted during cross-examination that he knows that as per rules arms and ammunition, recovered from the spot, is to be sent immediately to the office of FSL ie., on the same day or the next day in order to rule out the possibility of tampering with the same. Further, he did not assign any reason for late sending the articles to the office of FSL. Hon'ble Apex Court of India in **"Baldev Singh vs. State of Punjab, 1991-Supreme Court Cases (Crl)-61**" has observed that "recovery of the cartridges at the scene was on 15.01.1975 and the same was sent to the Forensic Science Laboratory only on 27.01.1975 and on these basis, it was found that all these circumstances create doubt about the connection of this cartridge Ex.C1 with the crime." Similarly, in the present case, there is delay of more than 1½ months in sending the revolver and cartridges to the office of Forensic Science Laboratory, which create doubt about the connection of the revolver with the crime in view of the law laid down by the Hon'ble Apex Court supra.*

12. In the light of what is discussed above, it is held that since, the complainant and other material witnesses have not supported the case of the prosecution, therefore, this court has left with no other option but to acquit the accused. Resultantly, giving benefit of doubt, all the accused namely Gagandeep Singh @ Mani, Sumit Nayyer @ Bawa, Angrej Singh @ Kaka, Sanjay Jogi @ Bhand, Mandeep Nagla @ Ramesh Katta, Amit Kumar @ Goldy and Rajesh @ Bablu are acquitted of the charges framed against them. File be consigned to the record room under Section 299 Cr.P.C and the same shall be

SANJAY
2026.04.30 18:26
I attest to the accuracy and
integrity of this document

revived as and when accused-Amandeep Singh @ Amarbir Singh, who is proclaimed offender, is arrested or produced before the Court."

10. It is evident from the above that in his deposition, the witness has stated, "…. accused had not committed the murder of Rimpal Kanojia….". Similar deposition was also made by the other witnesses.

11. Hence, even though the petitioner was not appearing and was not present in Court, but the witnesses have denied presence and participation of all the accused. Materially, even though, the petitioner was summoned under Section 319 Cr.P.C, however, yet, in their deposition, the prosecution witnesses do not make any attribution against the petitioner and do not allege his participation in the offence.

12. Although, ordinarily, there might be certain disputed questions of fact, however, no such dispute can be inferred from the evidence led by the parties. No reference has been made by the counsel to any evidence wherefrom it may be assumed that there is still evidence of participation of the petitioner and indicating his involvement in the commission of the offence. Apart from the statements of the prosecution witnesses, there is no other incriminating evidence to link the petitioner to the offence or even to *prima facie*, opinion that notwithstanding the prosecution witnesses' turning hostile, yet, there is sufficient evidence to try the case against the petitioner herein. In the absence thereof, it may not be available to this Court to hold that the petitioner raises disputed questions of fact.

13. The Hon'ble Supreme Court in the matter of '***State of Haryana and others v. Bhajan Lal and others***', reported as **1992 Supp (1) SCC 335**,

SANJAY
2026.04.30 18:26
I attest to the accuracy and
integrity of this document

has evolved out certain circumstances, on existence whereof, the proceedings may be quashed. The same are extracted as under:-

> *"…. (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.*

SANJAY
2026.04.30 18:26
I attest to the accuracy and
integrity of this document

(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."

(emphasis supplied)

It is evident from the above that the case in hand would fall under category **(3) and (5).**

The continuation of these proceedings would, thus, be an abuse of the process of law and would be a sheer waste of judicial time and resources.

14. Taking into consideration the fact that prosecution witness and brother of the deceased has not supported the case of the prosecution and the case, best attributed against the petitioner that he accompanied the main accused, would, thus, not sustain any charge, no purpose would be served by continuation of the proceedings which emanated from FIR No. 106 in the year 2016 and that too, after a period of more than a decade. The same would only be a travesty of justice.

15. Consequently, present petition is allowed. FIR No.106 dated 21.07.2016 registered under Sections 148 and 302 read with Section 149 IPC and Sections 25/27 of the Arms Act along with all consequential proceedings, including order dated 11.05.2018 declaring the petitioner as proclaimed person is hereby quashed.

(VINOD S. BHARDWAJ)
JUDGE

20.04.2026

SN Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

SANJAY
2026.04.30 18:26
I attest to the accuracy and
integrity of this document