



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

141

CRM-M-56271-2025 (O&M)

Date of decision: 05.03.2026

Swaran Singh

...Petitioner(s)

VERSUS

State of Punjab and others

...Respondent(s)

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

Present :- Mr. Sparsh Chhiber, Advocate for the petitioner(s).

Dr. (Ms.) Savi Nagpal, AAG Punjab.

Mr. Sahibjeet S. Sandhu, Advocate for respondents No.4 to 7.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed for directing respondents No.2 and 3 to re-consider the representation dated 05.05.2025 of the petitioner in terms of the standard operating procedure issued by the Ministry of Home Affairs as well as setting aside the final report dated 16.05.2025 and to conduct a fair and impartial inquiry and to take coercive action against respondents No.4 to 7.

2. Learned counsel appearing on behalf of the petitioner vehemently contends that the petitioner has a land dispute with his wife Jaswinder Kaur and other persons which is in the knowledge of respondents No.4 to 7 since 2024. He contends that a Civil Suit No.1057 of 2024 dated 04.12.2024 titled as 'Swaran Singh Vs. Harwinder Kaur and others' for declaration and permanent injunction is pending before Additional Civil Judge (Sr. Divn.), Sunam. It is contended that respondents No. 4 to 7 in connivance with Jaswinder Kaur (estranged wife of the petitioner herein)

who is currently residing in Italy, entered the house of the petitioner on 18.04.2025 with an intention to commit theft by breaking/opening the metal lock of the main gate and decamped with the belongings of the petitioner. He contends that notwithstanding the specific report given to the police, no coercive action has been taken against the private respondents, rather, to the contrary, the Police has recommended a cancellation. The operative part of the report dated 16.05.2025 reads thus:-

“8. Recommendation: Subject: Investigation of the above application conducted by the Chief Officer of Police Station NRI Sangrur, it has been found that the respondent party has obtained his net by breaking the main gate lock with the permission of the applicant's wife, apart from this, nothing else was found to have been taken away by Swaran Singh C-1's house. Swaran Singh C-1 has not presented any witness or evidence regarding the allegation made by Swaran Singh C-1 regarding theft of other items from his house. Swaran Singh C-1 has not submitted any witness or evidence regarding the attached application as the truth is not found in the application but is there any need for any action by the NRI Wing? Agreeing with the investigation report received by the Chief Officer of Police Station NRI Sangrur, it is recommended to file the above application in the office.”

3. He contends that as culpable offence under Section 452, 327 and 379-B of the Indian Penal Code, 1860 [(corresponding Sections 333, 119(1) and 303(2) of the Bharatiya Nyaya Sanhita, 2023)] are made out, hence, an FIR ought to have been registered.

4. Learned counsel appearing on behalf of the private respondents disputes the entire claim and contends that the claim made by the petitioner

herein has already been inquired into in terms of mandate of the Bharatiya Nagarik Suraksha Sanhita, 2023 and that as per the inquiry, the allegations could not be established, hence, a recommendation has been made to file the complaint. The petitioner, if not satisfied, may take recourse to the appropriate remedy as per law by filing a private complaint.

5. I have heard the learned counsel appearing on behalf of the respective parties and taking into consideration the fact that the allegations levelled by the petitioner have already been inquired into by the police and there is no allegation of any malice or biasness by the Police officials against the petitioner or in favour of the private respondents, there is no occasion for this Court to disbelieve the inquiry already conducted by the Police. Besides, the same would amount to this Court stalling the investigation and recording a finding on its own in supersession of the inquiry conducted by the Investigating Agency. This Court would refrain from conducting any such exercise under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the same would give rise to arguable issues of fact which are not required to be gone into by the High Court at this stage. The petitioner, if so advised, may move an appropriate application before the trial Court as per law.

6. The petition is disposed of.

7. Needless to mention that in the event of the petitioner moving any such application, the same shall be decided expeditiously.

(VINOD S. BHARDWAJ)
JUDGE

05.03.2026

Mangal Singh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No