



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

251

CRM-M-65162-2023(O&M)

Date of decision: 12.05.2026

Akashdeep Garg and another

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

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

Present :- Mr. Naresh Jain, Advocate for the petitioners.

Ms. Alisha Soni, AAG Punjab.

Mr. R.S. Randhawa, Senior Advocate assisted by
Mr. Karamyog Riar & Mr. Vinay Saroha, Advocates
for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present petition is to the order dated 02.12.2023 passed by the Judicial Magistrate First Class, Patiala in case bearing FIR No.133 dated 04.10.2021 registered under Sections 420, 406, 467, 468, 471 of the Indian Penal Code, 1860 at Sanour District Patiala, whereby the cancellation report submitted by the Investigating Agency for the third time has again been returned for further investigation.

2. Learned counsel appearing on behalf of the petitioners contends that pursuant to the investigation conducted by the Agency, a cancellation report was filed. However, the first time, when the cancellation report was submitted, Judicial Magistrate First Class, Patiala passed the following order:-

“Perusal of file shows that the present FIR no. 133 dated 04.10.2021 was registered under Sections 406,420,467,468,471 IPC against Dev Raj Garg and Akash Deep Garg.

Heard. From the perusal of the file reveals that the

present FIR was registered under Sections 406,420,467,468,471 IPC against Dev Raj Garg and Akash Deep Garg. Further it reveal that out of the above said sections, these sections are i.e. 467,468,471 IPC are fall under the category of non compoundable offences, therefore, the present cancellation report is not accepted and same is return to the concerned police station for further investigation. Ahlmad is directed to separate the judicial papers and consigned the same in Judicial Record Room, Patiala and its photocopy of placed in police file and same be send back to quarter concerned immediately.”

3. Counsel for the petitioners submits that thereafter the cancellation report was moved yet again, however, vide order dated 04.03.2023, Judicial Magistrate First Class, Patiala passed the following order:-

“Perusal of file shows that the present FIR no.133 dated 4.10.2021 was registered under Sections 406,420,467,468,471 IPC against Dev Raj Garg and Akash Deep Garg.

Heard. From the perusal of the file reveals that the present FIR was registered under Sections 406,420,467,468,471 IPC against Dev Raj Garg and Akash Deep Garg. Further it reveal that out of the above said sections, these sections are i.e. Sections 406,420,467,468,471 IPC are fall under the category of non compoundable offences, therefore, the present cancellation report is not accepted and same is return to the concerned police station for further investigation. Ahlmad is directed to separate the judicial papers and consigned the same in Judicial Record Room, Patiala and its photocopy of placed in police file and same be send back to quarter concerned immediately.”

4. It is further contended that cancellation report was furnished yet again for the third time. The Judicial Magistrate First Class, Patiala on

02.12.2023 passed following order:-

“Perusal of file shows that the present FIR no.133 dated 11.5.2023 was registered under Sections 406,420 IPC against accused Dev Raj Garg and Akash Deep Garg.

Heard. From the perusal of the file reveals that the present FIR was registered under Sections 406,420 IPC against the Dev Raj Garg and Akash Deep Garg and the said sections falls under the category of non compoundable offences, therefore, the present cancellation report is not accepted and same is return to the concerned police station for further investigation. Ahlmad is directed to separate the judicial papers and consigned the same in Judicial Record Room, Patiala and its photocopy of placed in police file and same be send back to quarter concerned immediately.”

5. Counsel for the petitioners further contends that the Judicial Magistrate First Class, Patiala has been refusing acceptance of the cancellation report solely on the ground that the offences fall under the category of non-compoundable offences. He further contends that the reasons assigned are completely untenable in law and that a cancellation report has to be seen on the basis of the reasons assigned by the Investigating Agency for tendering a cancellation report and not on the basis of whether the offence in question is compoundable or non-compoundable. It is further contended that the orders have been passed in a ministerial and mechanical manner without any application of mind.

6. Learned Senior Counsel appearing on behalf of the complainant fairly concedes that the order in question suffers from non-application of mind and that he would have no objection in the event of the present petition being allowed and the order under challenge being set aside and the matter

being remanded to the Trial Court for passing a fresh order in accordance with law.

7. In view of the aforesaid, the present petition is *allowed*. Accordingly, the order dated 02.12.2023 passed by the Judicial Magistrate First Class, Patiala is set aside and the matter is remanded to the Illaqa Magistrate for passing a fresh order in accordance with law.

8. Pending application(s), if any, shall stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

12.05.2026

Sumit Gusain

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