

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025.PHHC.064823



CRM-M-65740-2025 (O&M)

Date of Decision: 23.04.2026

TEJNOOR SINGH ALIAS TEJNOOR SINGH ANAND

... PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Deepak Aggarwal, Advocate for the petitioner.
Mr. Rohit Hans, D.A.G., Punjab.

H.S. GREWAL, J. (ORAL)

1. The present petition under Section 528 of BNSS, 2023 is for quashing of the complaint bearing No.Comi-472/2023 dated 22.12.2023 titled as Rajinder Kumar V/s Jai Chand and others (Annexure P-4) and the summoning order dated 13.08.2025 passed by the learned JMJC, Bathinda, (Annexure P-5) vide which the petitioner has been summoned to face trial for the offence punishable under Section 468, 120-B IPC.

2. Briefly, the facts of the case are that son of the complainant namely Monu along with one Sudesh Rani are joint owners in possession of land measuring 15 Kanal 0 Marla in khasra no. 248, situated at Village Chak Khadak Singh Wala @ Doomwali, Tehsil and District Sirsa. The complainant is owner in possession of land measuring 0 Kanal 09 Marla and the said Sudesh Rani is also owner in possession of land measuring 0 Kanal 09 Marla out of the land measuring 15 Kanal 0 Marla and partition of the land between the complainant and Sudesh Rani has not taken place.

3. Learned counsel for the petitioner submitted that no partition of land between the complainant and Sudesh Rani has yet taken place. Sudesh

Rani vide application dated 15.12.2021 applied to Naib Tehsildar, Bathinda for correction of her type of land from Gair Mumkin to agriculture and the aforesaid application was marked to the petitioner who is posted as Patwari, to report. The petitioner along with the Numbardar concerned and along with the said Sudesh Rani visited the spot and since in the land in possession of the said Sudesh Rani, a mustard crop was sown at the relevant time i.e. 20.12.2021, the petitioner made a report dated 20.12.2021 that the land in possession of the said Sudesh Rani is an agriculture land. It is further submitted that since the son of the complainant namely, Monu was aggrieved of the report dated 20.12.2021 made by the petitioner, he filed a complaint dated 17.06.2022 before the Deputy Commissioner, Bathinda against the petitioner and others with the allegations that the petitioner being a Patwari has given a wrong report dated 20.12.2021 whereby the petitioner has reported the land of the said Sudesh Rani as agriculture land instead of Gair Mumkin land. The Deputy Commissioner, Bathinda considering the fact that at the relevant time the disputed area was being cultivated, filed the complaint vide order dated 18.10.2023. After the Deputy Commissioner, Bathinda filed the complaint dated 17.06.2022 filed by son of the complainant Monu vide order dated 18.10.2023, the complainant filed the present complaint and on the basis of the said complaint dated 21.12.2023, the Ld. Judicial Magistrate, First Class, Bathinda vide impugned summoning order dated 13.08.2025 summoned the petitioner and others to face trial under section 468, 120-B IPC.

4. Learned counsel for the petitioner further submits that while passing the impugned order, the Ld. trial court failed to appreciate that petitioner is posted as a Patwari and he is a government servant and as per

Section 218 of BNSS, no court shall take cognizance of offence alleged to have been committed by public servant while acting or purporting to act in the discharge of his official duty, except with the previous sanction of the central government or the state government as the case may be. As per the provisions of section 218 of BNSS, 2023, a prior sanction of the appropriate government (State Government) was required to be obtained before passing of the impugned order which is not obtained in the present required case and therefore, the impugned complaint and the order suffer from the procedural lapse and the same are quashed qua the petitioner. It is further submitted that while passing the impugned order, the Ld. trial court failed to comply with the provisions of section 223(1) of BNSS 2023 which provides for opportunity of being heard to the accused before taking cognizance and no such opportunity was afforded by the trial court to the petitioner before passing the impugned summoning order dated 13.08.2025.

5. Consequently, the summoning order dated 13.08.2025 passed by the learned JMIC, Bathinda is hereby set aside. The matter is remanded back to the trial Court for consideration of the matter afresh with a direction to consider the above submissions and pass a fresh speaking order in accordance with law after affording due opportunity to the parties.

6. Disposed of accordingly.

7. Pending application, if any, shall stand disposed of accordingly.

(H.S.GREWAL)
JUDGE

23.04.2026

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