



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M No.11265 of 2015 (O&M)
Date of decision: 10.04.2026**

Iqbal Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. N.P.S. Mann, Advocate
for the petitioners.

Mr. Hardeep Singh Wadhwa, DAG, Punjab.

Mr. Satbir Singh Katnoria, Advocate
for respondent No.2.

MANDEEP PANNU, J. (ORAL)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.164 dated 13.08.2008, registered under Sections 420, 419, 465, 467, 468, 471 and 120-B IPC at Police Station Beas, District Amritsar Rural, and also for quashing/setting aside of all the subsequent proceedings arising out of the same.

2. Briefly, the facts of the case are that the present FIR was registered on the complaint of Smt. Amrita Singh @ Amrit Kaur, who alleged that the land situated in village Khilchian, Tehsil Baba Bakala, District Amritsar, was originally owned by her family, including her father Balbir Singh, her brother Jasbir Singh, her uncle (Taya) Gursharan Singh



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and her sister Jeet Kaur. It was stated that after the death of her father in the year 2004 and other family members earlier, the land had been given on lease to Bagail Singh and his sons for cultivation. It is further alleged that after the death of her father, her brother Jasbir Singh entered into an agreement to sell the said land to petitioners Iqbal Singh and Jagtar Singh, sons of Bagail Singh. The complainant asserted that the ownership of her sister Jeet Kaur had devolved upon her daughters residing in Malaysia, who had executed a power of attorney in favour of the complainant. It was further alleged that earlier the lease amount used to be paid to the family, but subsequently, Lakhwinder Singh refused to pay the lease amount claiming that they had already purchased the land. It was also alleged that Jasbir Singh had sold a portion of land measuring 6 Kanals to Lakhwinder Singh, leading to the present dispute and registration of the FIR.

3. It is argued by learned counsel for the petitioners that the present FIR has been wrongly and illegally registered by the police against the petitioners. It is submitted that after presentation of the challan, the charges were framed by the learned Sub Divisional Judicial Magistrate, Baba Bakala, District Amritsar on 19.03.2010. Aggrieved by the said order, the petitioners along-with one Jasbir Singh, who was also charge-sheeted, preferred a revision petition before the Court of learned Additional Sessions Judge (Ad-hoc), Fast Track Court, Amritsar, under Section 397 Cr.P.C. It is submitted that the learned Revisional Court vide order dated 15.01.2015 set-aside the order of framing of charge dated 19.03.2010 and directed the learned trial Court to pass a fresh order after considering all aspects of the case and evidence in accordance with law, and the revision



petition was accordingly accepted. It is further submitted that till date, no fresh charge has been framed against the petitioners by the learned trial Court pursuant to the directions issued by the Revisional Court. It is further argued that in the meantime, the present petition for quashing of the FIR was filed before this Court and initially an interim stay order was granted, which was later vacated by a Co-ordinate Bench of this Court vide order dated 25.07.2022. However, despite vacation of the stay order, the case remained pending before the learned Judicial Magistrate Ist Class awaiting further orders. It is submitted that thereafter, vide order dated 28.01.2026, the learned JMIC observed that the interim stay stood vacated and proceeded to adjourn the case for recording of prosecution evidence, instead of first complying with the directions of the Revisional Court to consider the matter afresh for framing of charge. It is contended that once the earlier charge had already been set-aside by the Revisional Court, the learned trial Court could not have straightaway fixed the case for prosecution evidence without framing fresh charges. On merits, it is submitted by learned counsel for the petitioners that no case is made out against them. It is argued that the allegations of the complainant are based on an alleged forged and fabricated agreement to sell, said to have been executed by the petitioners in connivance with one Jasbir Singh. However, it is contended that the said agreement to sell was never executed and, in fact, it is the complainant who has sold the land in question to third parties. It is further submitted that the petitioners have not derived any benefit whatsoever from the alleged agreement to sell and, therefore, they are not liable to be charge-sheeted.



4. Per contra, learned counsel for the respondent-State has argued that a *prima-facie* case is made out against the petitioners for framing of charge. However, it is fairly submitted that the learned trial Court, instead of framing charge, has straightaway fixed the case for recording of prosecution evidence. It is further argued that the petitioners are at liberty to raise all the pleas taken in the present petition before the learned trial Court at the stage of framing of charge and that the FIR cannot be quashed at this stage. It is also contended that there are serious allegations against the petitioners regarding forging of the agreement to sell in connivance with the brother of the complainant.

5. After hearing learned counsel for the parties and perusing the record, this Court deems it appropriate to first notice the chronology of events. The FIR in question was registered in the year 2008. After completion of investigation, challan was presented and charges were framed by the learned SDJM, Baba Bakala on 19.03.2010. The said order was assailed in revision by the petitioners and co-accused Jasbir Singh, which came to be allowed by the learned Additional Sessions Judge (Ad-hoc), Fast Track Court, Amritsar, vide order dated 15.01.2015, whereby the order of framing of charge was set-aside and the matter was remanded to the trial Court for passing a fresh order in accordance with law after considering all the material on record.

6. It is evident that after passing of the aforesaid revisional order, the learned trial Court was under an obligation to re-consider the matter at the stage of framing of charge and to pass a fresh order in compliance thereof. However, instead of doing so, the learned trial Court, after vacation



of interim stay by this Court on 25.07.2022, proceeded to fix the case for prosecution evidence vide order dated 28.01.2026 without framing fresh charges. Such a course adopted by the learned trial Court is not in consonance with the settled procedure and reflects a material irregularity, as the stage of framing of charge could not have been bypassed, particularly when the earlier order of charge had already been set-aside by the Revisional Court.

7. At the same time, so far as the prayer for quashing of FIR is concerned, this Court is of the considered view that no ground is made out, at this stage for exercise of inherent jurisdiction under Section 482 Cr.P.C. The allegations in the FIR and the material collected during investigation cannot be said to be so absurd or improbable so as to warrant quashing of proceedings at the threshold. The petitioners shall have adequate opportunity to raise all their pleas, including those raised before this Court, at the appropriate stage before the learned trial Court.

8. Accordingly, while declining the prayer for quashing of the FIR, the present petition is disposed of with a direction to the learned trial Court to strictly comply with the order dated 15.01.2015 passed by the learned Additional Sessions Judge (Ad-hoc), Fast Track Court, Amritsar and to first consider the matter at the stage of framing of charge afresh in accordance with law. The petitioners shall be at liberty to raise all permissible pleas at that stage.

9. It is also observed that the learned trial Court shall be careful in adhering to the procedural mandate and shall not bypass any statutory stage of the trial. The irregularity committed in fixing the case for



prosecution evidence without framing of charge is required to be rectified forthwith.

10. With the aforesaid observations and directions, the present petition stands disposed of.

11. All pending applications, if any, also stand disposed of.

(MANDEEP PANNU)
JUDGE

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No