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

**CRM-M No.15126 of 2026
Date of decision: 23.04.2026**

Satwinder Singh

...Petitioner

Versus

Manohar Singh

...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Naresh Jain, Advocate and
Mr. Krishan Bansal, Advocate
for the petitioner.

MANDEEP PANNU, J. (Oral)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 Cr.P.C.) for quashing of the impugned order dated 09.01.2026 passed by learned Additional Sessions Judge, Moga, whereby the revision filed by respondent No.2 was allowed and the discharge order dated 06.02.2020 passed by learned Additional Chief Judicial Magistrate, Moga in complaint No.02 dated 05.01.2015 under Sections 365, 342, 504, 506, 166, 217 and 120-B IPC was set-aside and the matter was remanded back to the trial Court for proceeding afresh from the stage of framing of charges.

2. It is contended by learned counsel for the petitioner that the learned Revisional Court has gravely erred in setting aside a well-reasoned discharge order without there being any perversity, illegality or material irregularity in the same. It is argued that learned trial Court had, after



appreciating the entire pre-charge evidence, rightly concluded that there was no reliable material to establish the essential ingredients of the alleged offences, particularly with regard to illegal detention of the complainant and his son. It is further submitted that the Revisional Court has exceeded its limited jurisdiction by re-appreciating the evidence and substituting its own view in place of a plausible view taken by the trial Court, which is impermissible in law. Learned counsel further submits that the impugned order has resulted in serious prejudice to the petitioner by subjecting him to unnecessary retrial despite having been lawfully discharged, and therefore, the same deserves to be set aside.

3. A perusal of the impugned order passed by learned Additional Sessions Judge, Moga, reveals that the revisional Court, while allowing the revision petition vide order dated 09.01.2026, has primarily proceeded on the premise that at the stage of framing of charge, the trial Court is only required to see whether a *prima-facie* case is made out and that the evidence led by the parties is not to be meticulously appreciated. It has been observed that learned trial Court erred in minutely scrutinizing the cross-examination of the complainant's witnesses and virtually deciding the complaint on merits at the stage of charge. On such reasoning, the revisional Court set aside the discharge order dated 06.02.2020 and remanded the matter back to the trial Court for framing of charges and proceeding further in accordance with law.

4. The scope of interference by this Court in exercise of its inherent jurisdiction is limited to examining the legality, correctness and propriety of the impugned order. In fact, at the stage of framing of charge



in a complaint case, particularly after recording of pre-charge evidence, the Magistrate is not required to conduct a roving enquiry or meticulously evaluate the evidence as would be done at the stage of final adjudication. However, the Court is certainly not precluded from assessing whether the evidence, even if taken at its face value, discloses the basic ingredients of the alleged offences.

5. In the present case, direction to revisit the matter cannot be said to be wholly unjustified. The remand of the case to the trial Court for reconsideration of the question of charge, thus, does not suffer from any patent illegality warranting interference to the extent of setting aside the entire order.

6. However, this Court finds substance in the contention that certain observations made by learned Additional Sessions Judge to the effect that the trial Court had thrashed the cross-examination in detail and that the evidence is not to be considered meticulously at the stage of charge, are likely to prejudice the independent application of mind by the trial Court upon remand. Such observations, if allowed to stand, may have the effect of unduly influencing the trial Court while reconsidering the matter, which is required to be done on the basis of the evidence already brought on record and in accordance with settled principles of law.

7. It is well settled that while considering the question of charge after recording of pre-charge evidence in a complaint case, the Magistrate is required to examine whether the evidence, if unrebutted, would make out a case for proceeding against the accused. Though a detailed appreciation



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akin to final judgment is not warranted, the Court is nevertheless duty-bound to sift the evidence to the limited extent necessary to determine the existence of a *prima-facie* case.

8. In view of the above, while upholding the direction of the revisional Court remanding the matter to the trial Court for reconsideration, the impugned order dated 09.01.2026 is modified to the extent that the observations made therein regarding the manner of appreciation of evidence at the stage of charge shall not be treated as binding or conclusive. Learned trial Court shall reconsider the matter afresh, independently and uninfluenced by any such observations, and shall decide the question of charge on the basis of the evidence led by the parties, in accordance with law.

9. Accordingly, the present petition is disposed of with the aforesaid modification in the impugned order.

10. Pending applications, if any, also stand disposed of.

(MANDEEP PANNU)
JUDGE

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