



CRM-M-35013-2024 (O&M)

-1-

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

209

CRM-M-35013-2024 (O&M)

Date of decision : 22.04.2026

Ranjit Singh and another

... Petitioners

Versus

State of Punjab and another

.. Respondents

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

Present:- Mr. Gursharan Singh, Advocate and
Ms. Simrat Kaur, Advocate for the petitioners.

Mr. Rohit Hans, DAG, Punjab.

Mr. Rajesh Kapila, Advocate for respondent No.2.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 482 of Cr.P.C. seeking quashing of the order dated 27.02.2024 passed by the learned Judicial Magistrate 1st Class, Gurdaspur in case FIR No.12 dated 23.03.2022, under Sections 307, 148 & 149 IPC and Sections 25, 54 & 59 of the Arms Act, registered at Police Station Ghuman Kalan, District Gurdaspur (Annexure P-1) vide which the learned JMJC rejected the second untraced report, treated the same as challan and wrongly summoned the petitioners to face trial in the aforesaid FIR.

2. The case of the prosecution is that in the year 2018, Paramjit Kaur, wife of Ranjit Singh(petitioner No.1) contested the election for the post of Sarpanch and on the day of election, the complainant party including the father

**CRM-M-35013-2024 (O&M)**

-2-

of the complainant tried to capture the booth and a complaint was made in this regard. On 22.03.2022, the complainant party brutally attacked Daljit Masih and Sonu Masih and regarding this incident, FIR No.11 dated 23.03.2022, under Sections 452/324/323/506/148/149 IPC at Police Station Ghuman Kalan, District Gurdaspur was registered against the complainant party. After this incident, petitioner No.2 took the injured-Daljit Masih and Sonu Masih to the hospital and the complainant took a grudge against the petitioners for the same and planted a false story against the petitioners. The present FIR has been registered against the petitioners wherein it is alleged that on 23.03.2022, respondent No.2/complainant lodged a complaint to the effect that the petitioners, along with other co-accused(s) formed an unlawful assembly and caused injuries with an intention to kill. It is further alleged that firearm shots were fired during the occurrence.

3. During investigation, the investigating agency enquired into the matter and filed an inquiry report (Annexure P-4) stating the petitioners were not present at the alleged place of occurrence at the date and time of alleged incident. Neither any empty nor any blood stains were found. It was also recorded in the enquiry report that the licensed firearm which was possessed by petitioner No.1 was deposited with the Police authorities at the time of alleged incident. Since the petitioners were found innocent in the aforesaid inquiry (Annexure P-4), the complainant/respondent No.2 further filed a complaint COMI No.99 dated 04.07.2022, under Sections 307, 148, 149 IPC and Sections 25, 54 & 59 of the Arms Act against the petitioners before the JMIC, Gurdaspur. Thereafter, the learned Magistrate took cognizance and vide order



CRM-M-35013-2024 (O&M)

-3-

dated 07.06.2023, had summoned the petitioners along with other accused to face trial. Thereafter, the petitioners approached by this Court by challenging the said summoning order by way of filing CRM-M-45329-2023 wherein proceedings were stayed vide order dated 12.09.2023 (Annexure P-7).

4. Thereafter, on 25.07.2023 (Annexure P-8), the police filed untraced report before the Magistrate but the same was rejected and returned to the police for further investigation vide order dated 03.08.2023 (Annexure P-9). After further investigation, the investigating agency filed the second untraced report (Annexure P-10) reiterating the innocence of the petitioners based on the factum that both the petitioners were not present at the alleged place of occurrence at the time of alleged incident. Moreover, as per the CCTV footage, petitioner No.1 was present at his house and the petitioner No.2 was present in the Civil Hospital, Batala and the licensed rifle of petitioner No.1 had already deposited with the Police Station Ghuman Kalan on 16.09.2017 while petitioner No.2 does not have any licensed weapon. However, the learned JMIC, Gurdaspur, vide the impugned order dated 27.02.2024 (Annexure P-11) rejected the second untraced report and treated the same as challan against the petitioners, which is under challenge in this petition.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated due to village and political rivalry arising out of Panchayat elections. It is submitted that the complainant party had earlier attacked persons from the petitioners' side in a cross-version case and, thereafter, the present FIR was lodged as a counterblast. It is further submitted that during a detailed inquiry conducted by the Deputy Superintendent of

**CRM-M-35013-2024 (O&M)****-4-**

Police, the petitioners were found innocent and it was specifically concluded that petitioner No.1 was present at his house whereas petitioner No.2 was at Civil Hospital, Batala, at the relevant time. It is also submitted that no empty cartridge, blood stains or other incriminating material was recovered from the alleged spot and even the licensed weapon of petitioner No.1 had already been deposited with the authorities. Learned counsel further submits that despite two separate untraced reports filed by the police, the learned Magistrate rejected the second untraced report without assigning cogent reasons and treated the same as a challan, which is impermissible under the law. He, therefore prays for setting aside the impugned order (Annexure P-11).

6. On the other hand, learned State counsel, while referring to the short reply filed by way of an affidavit of Sh. Gurwinder Singh, PPS, Deputy Superintendent of Police, Kalanaur, Gurdaspur, submits that aforesaid FIR No.12 dated 23.03.2022 was registered on the statement of the complainant/respondent No.2, Baljinder Singh, who alleged that the petitioners had fired shots at him. However, during investigation, no evidence came to light against the petitioners and an untraced report was filed before the competent Court.

7. *Per contra*, learned counsel for respondent No.2 submits that the complainant was specifically attributed an injury with a blunt weapon in the alleged incident. It is also submitted that the plea raised by the petitioners regarding false implication due to political rivalry, alibi etc. are disputed questions of fact which cannot be adjudicated in proceedings under Section 528



CRM-M-35013-2024 (O&M)

-5-

BNSS. He, therefore, prays for dismissal of this petition being devoid of any merit.

8. I have heard learned counsel for the parties and perused the material available on record.

9. It is apparent from the record that the investigating agency had filed the second untraced report (Annexure P-10), specifically concluding that no incriminating evidence was available against the petitioners. The report further recorded that both the petitioners were not present at the alleged time and place of occurrence. As per the CCTV footage, petitioner No.1 was found present at his house, whereas petitioner No.2 was present in Civil Hospital, Batala. It was also noted that the licensed rifle of petitioner No.1 had already been deposited with Police Station Ghuman Kalan on 16.09.2017, while petitioner No.2 did not possess any licensed weapon.

10. However, the learned JMIC, Gurdaspur, vide the impugned order dated 27.02.2024 (Annexure P-11), rejected the second untraced report and treated the same as challan against the petitioners. While doing so, the learned Magistrate merely observed that there was enmity between the parties on account of rival political interests and treated the same as motive. However, the material facts noticed by the investigating agency, particularly the absence of the petitioners from the place of occurrence, the CCTV footage supporting their plea, and the non-availability of any weapon with them, were not properly considered and no reasoning in this regard has been given.

11. In view of the above, this Court is of the considered view that the vital findings recorded by the investigating agency were ignored and without

**CRM-M-35013-2024 (O&M)****-6-**

assigning any cogent or satisfactory reasons, the impugned order has been passed by the learned Magistrate, which is liable to be set aside.

12. Consequently, this petition is allowed and the impugned order dated 27.02.2024 passed by the learned Judicial Magistrate 1st Class, Gurdaspur is hereby set aside.

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

April 22, 2026
A.Kaundal

(H.S.GREWAL)
JUDGE

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