



CRR-615-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-615-2025
Reserved on: 08.07.2025
Pronounced on: 31.07.2025

Harmanpreet Singh @ Harmanpreet Singh Parmar ...Petitioner

Versus

State of Punjab ...Respondent

CRR-742-2025 (O&M)

Jaspal Singh @ Pali ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.S. Rajput, Advocate
for the petitioner (in CRR-615-2025).Mr. Ashok Giri, Advocate
for the petitioner (in CRR-742-2025).

Ms. Navreet K. Barnala, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
22	02.03.2024	Division No.3, Jalandhar	18/25/29/27A of NDPS Act

- Vide this common order, CRR No.615 of 225 and CRR No.742 of 2025 are being disposed of. For brevity, the facts are being taken from CRR No.615 of 2025.
- Aggrieved by the framing of charges, the petitioner(s) have come up before this Court under Section 442 BNSS, 2023 on the ground that petitioners are on similar footing as that of Amit Kumar Shukla who has been discharged vide impugned order dated 03.02.2025.
- Petitioner(s) were arraigned as accused in the FIR captioned above. After completion of the investigation, the State launched prosecution by filing a report before the concerned Court. The Court found prima facie evidence and took cognizance against the petitioner and simultaneously decided application for discharge by Amit Kumar Shukla-co-accused. The Special Judge, Jalandhar discharged him whereas all other



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accused were charged for the commission of offenses punishable under Sections 18, 29, 25 of NDPS Act. It shall be appropriate to extract the relevant portions of the impugned order, which reads as follows:

“2. Except for above said accused Amit Kumar Shukla no other accused has opposed as such the framing of charge. Learned counsel representing accused Amit Kumar Shukla submitted that there is no evidence on file implicating or even connecting this accused with alleged offence. Even the report under Section 173 of CrPC candidly states that there was no evidence against him. There is no ground to frame any charge against him. Nothing was recovered from him. Hence, the prayer for his discharge from proceedings.

3. Learned Addl. PP though conceded that no recovery was effected from applicant Amit Kumar Shukla and he was nominated on the disclosure statement of co-accused during police custody, but added that prospects of conviction cannot be gone into and at the time of framing of charge the court is to see if any incriminating evidence is appearing against him to proceed further. Hence, the prayer for dismissal of the present application.

4. As per Investigating Agency this accused allegedly was running Western Union Money Transfer and nothing was recovered from him. Record including report under Section 173 of CrPC also reveals that no evidence, much less incriminating in nature, qua this accused Amit Kumar Shukla was stumbled upon and collected by the Investigating Agency. In these circumstances, no ground is made out to frame charge under any offence against this accused Amit Kumar Shukla. His application for discharge is allowed. He is discharged. His bail bonds also are discharged.

5. So far remaining accused are concerned, in view of contents of report under Section 173 CrPC, recovery memos, and statements of witnesses recorded under Section 161 of CrPC, I find that there is enough evidence to frame charge against these remaining accused (except accused Amit Kumar Shukla who has been discharged) qua offences under Sections 18, 29, 25 of NDPS Act. Charge is framed accordingly. Its contents read over and explained to these accused in vernacular to which they pleaded not guilty and claimed trial. Now prosecution witnesses, mentioned at serial no.2,3 and 4 of list of witnesses, be summoned for 07.03.2025. Accused in custody be produced on the date fixed.”

4. On the face of it, the trial Court observed in paragraph no. 2 that except for above said accused Amit Kumar Shukla, no other accused has opposed the framing of charges, however counsel for the petitioner(s) has challenged the charges on the grounds that on the same set of evidence, Amit Kumar Shukla was discharged but they were discriminated and charges have been framed against them.

5. This Court does not want to dealt into the observation noted in paragraph 2 that the other accused had not opposed the framing of charges, but the conduct of the petitioner(s) in coming to this Court challenging the charges would be sufficient grounds to waive the No Objection or not opposing the charges by their counsel before the trial



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court. Accordingly this Court is proceeding on the grounds that once the petitioners got to know that a similarly placed co-accused Amit Kumar Shukla, who according to them was similarly placed has been discharged, they also have a legal right to challenge the framing of charges. There is nothing in the law that would dis-entitle the petitioner for such a relief if his case is that he was similarly placed.

6. A perusal of the order reveals that it was passed without affording an opportunity to the accused to oppose the framing of charges. The fact remains that some of the accused might have given their no objection and it is apparent that they did not oppose framing of charge nor later on challenged the orders, however, as far as petitioners-Harmanpreet Singh and Jagpal Singh are concerned, they have come to this Court.

7. Perusal of the order does not give reasons that how the petitioners Jagpal Singh and Harmanpreet Singh are not entitled to similar relief as Amit Kumar Shukla. Further, their arguments were not addressed on the premise that they have no objection. On the face of it, there is no discussion that why similar relief was not granted to them and how their case was distinguishable.

8. Thus, on this ground alone, the present petition is allowed. The impugned order of framing of charges dated 3rd of February, 2025 against the petitioners Harmanpreet Singh and Jagpal Singh is quashed and set aside and the matter is remanded back to the trial Court for fresh adjudication after affording them due opportunity to address their arguments on the point of framing of the charges and trial Court is requested to pass reasoned order qua charges, if framed after taking into consideration all the pleas raised by petitioner(s). This order is subject to the condition that petitioners shall not seek unnecessary adjournment and shall appear on the next date.

9. **Given above, the present petition(s) are allowed** to the extent mentioned above. The petitioners are directed to appear before the trial Court on the next date fixed before it or before 25.08.2025, whichever is earlier. The trial Court while deciding the order framing of charges shall not refer to the observations made by this Court and shall not be influenced by the same even if any party draws its attention to any of such observations. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

31.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.