



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

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CRM-M-21412-2025 (O&M)

Date of decision: 16.05.2025

Yash Pal

....Petitioner

Versus

The State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. L.S. Lakhanpal, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 528 of BNSS, 2023, is for quashing of FIR No.0114 dated 25.07.2024 registered under Sections 329(3) and 62 of BNS, 2023 at Police Station City South, District Moga (Annexure P-1) and all other subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner, *inter alia*, contends that the FIR (supra) was registered at the instance of Nirvair Singh, Patwari at Halqa Mehla Singh, Moga, who has reported that Yashpal, son of Hans Raj, resident of Gandhi Nagar, Moga, is attempting to illegally occupy the government land situated in front of the Market Committee quarters on Railway Road, Moga. Although Yashpal owns land in Khasra Nos.2503, 2505, 2506, and 2508 in Mehla Singh-3, Moga, he was found laying bricks and engaging labourers at about 03:00 PM to



encroach upon Khasra No.2510, which belongs to the Market Committee. The land is valuable and situated along the main road, while Yashpal's actual property lies behind it. Thereafter, the FIR (supra) has been registered.

3. Learned counsel for the petitioner submits that the petitioner would be satisfied in case all the documents, which are annexed with the present petition, are considered by the Investigating Officer before submitting the challan/final report under Section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS, 2023').

4. Notice of motion.

5. On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent – State and submits that he has no objection, in case the Investigating Officer is directed to consider all the documents, which are annexed with the present petition, before preparing the challan/final report under Section 193 of BNSS, 2023.

6. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

7. Keeping in view the aforesaid facts and circumstances, present petition is disposed of with a direction to the Investigating Officer to consider all the documents, which are annexed with the present petition, before preparing the final report under Section 193 of BNSS, 2023.



8. It is clarified that in case, final report under Section 193 of BNSS, 2023, is against the petitioner, he would be at liberty to file afresh petition to challenge the FIR (*supra*) along with challan/final report under Section 193 of BNSS, 2023.

(HARPREET SINGH BRAR)
JUDGE

16.05.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No