



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

**CRM-M-12118-2025  
Date of decision: 04.03.2025**

**REETA KOHLI**

**...PETITIONER**

**V/S**

**STATE OF PUNJAB AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Chetan Mittal, Senior Advocate with  
Mr. Shivam Grover, Mr. Mayank Aggarwal and  
Ms. Bhumika Sachan, Advocates for the petitioner.

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

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**HARPREET SINGH BRAR, J. (ORAL)**

1. Present petition has been filed under Section 528 BNSS, 2023 seeking issuance of directions to respondent Nos.1 and 2 to transfer the investigation of FIR No.118 dated 22.09.2020 under Section 379 IPC at Police Station Sadar, Rajpura (Annexure P-1) to any other independent agency and to quash order dated 21.02.2024 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Rajpura in case No.CAN/293/2023 dated 19.08.2023, vide which, the untraced report was accepted.

2. Learned Senior counsel for the petitioner submits that in spite of the fact that the FIR (*supra*) was registered on 22.09.2020, the jurisdictional police authorities have failed to perform their statutory duties. He further submits that the petitioner has already provided the CCTV footage, in which, the vehicle used in stealing the containers is clearly visible and the jurisdictional police authorities have not carried out any investigation to ascertain the ownership of those vehicles and these are the commercial



containers. Furthermore, the Container Identification Numbers were also provided to the local police but after three years, the jurisdictional police authorities filed an untraced report and the learned Judicial Magistrate Ist Class, Rajpura passed the impugned order on 21.02.2024 (Annexure P-3) without affording any opportunity to the petitioner either to oppose the outcome of the investigation or to file her protest petition.

3. Learned State counsel appears on advance notice and very fairly submits that earlier also, in the year 2018, the containers owned by the petitioner were stolen in the similar fashion.

4. Having heard learned counsel for the parties and after perusal of the record, it transpires that the order passed by jurisdictional Court on 21.02.2024 is not sustainable in view of the judgment rendered by this Court in *Pawan Kharbanda vs. State of Punjab and another* in CRM-M-3193 of 2025 (O & M) decided on 29.01.2025. Further, the impugned order does not satisfy the objective standard of reason and justice and the same has been passed in a mechanical manner.

5. In view of the above, the impugned order dated 21.02.2024 (Annexure P-3) is set aside and the jurisdictional Court is directed to pass a fresh order in terms of the ratio of law laid down in *Pawan Kharbanda (supra)* after granting due opportunity to the petitioner, to demonstrate the shortcomings in the investigation and need for further investigation, if any, within 08 weeks.

6. Disposed of accordingly.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**March 04, 2025**

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(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No