



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

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CRM-M No.62526 of 2024 (O&M)

Date of decision: 29.01.2025

Mandeep Singh @ Mandeep Singh Gill and Another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gaurav Datta, Advocate for the petitioners.

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

HARPREET SINGH BRAR J. (Oral)

CRM No.112 of 2025

Prayer in the instant application filed under Section 528 of BNSS, 2023 is for placing on record the MLR of victim (Heera Singh) and corrected copy of FIR No.09 dated 18.02.2024 as Annexures P-3 and P-4, respectively.

Allowed as prayed for subject to all just exceptions.

CRM-M No.62526 of 2024

1. Prayer in this petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for quashing of FIR No.09 dated 18.02.2024 registered under Sections 307, 336, 427, 149 IPC and Sections 25/27 of Arms Act at Police Station Sadar Patti, District Tarn Taran (Annexure P-1) and all other subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner *inter alia* contends that no offence under which the FIR (supra) has been registered, is made

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out. He submits that the petitioners have been falsely implicated and he relies upon the affidavit (Annexure P-2), submitted by the complainant, in which he has clearly stated that he could not identify the assailants due to the fact that the incident has taken place during the night time and their faces were covered with muffler and he did not see the assailants and the FIR (supra) has been registered on the basis of suspicion. It is also stated therein that the accused persons were neither present at the spot when the incident took place nor they fired upon him. Further, the complainant has categorically stated that he has no objection in case the FIR (supra) is quashed.

3. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioners on the ground that the perusal of the medico legal report clearly indicates that the complainant suffered two gun-shot injuries and all the averments made by the petitioners are a matter of trial. He also submits that the matter is under investigation and the weapon used in the alleged incident i.e. .32 bore revolver is yet to be recovered and even the police authorities are carrying out the investigation to ascertain the ownership of the vehicles involved in the incident and the disputed questions of fact can only be adjudicated upon on the basis of evidence led by the parties. Lastly, he submits that *prima facie* the offence under Section 307 IPC is made out against the petitioners.

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

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5. After considering the submissions of both the parties, this Court finds that the matter involves serious allegations, including two gunshot injuries suffered by the complainant. The investigation is still going on, and significant issues, such as the recovery of the weapon and determination of ownership of the vehicles involved, are yet to be resolved. The factual disputes raised by the petitioners, including the identification of the assailants, are matters that need to be adjudicated upon during the course of trial. Therefore, this Court is not inclined to quash the FIR at this stage, as the offence under Section 307 IPC appears to be made out *prima facie*, and the matter requires further investigation and judicial scrutiny during the trial.

6. With regard to the submission that the complainant has no objection in case the FIR is quashed, it must be pointed out that the offence of attempt to murder, as punishable under Section 307 of the Indian Penal Code, is not merely an injury to an individual but a grave crime against the society at large. It strikes at the very fabric of public order and undermines the rule of law by fostering a climate of fear and lawlessness. Such offences are committed with a deliberate intent to take a human life, and permitting their quashing on the basis of compromise between the parties would erode the deterrent effect of criminal law. If offenders of such serious crimes are allowed to escape liability through private settlements, it would embolden individuals to resort to violence without fear of legal consequences, thereby fostering a culture of impunity. The administration of justice cannot be reduced to a matter of private negotiation, as it is the duty of the State to ensure

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that crimes affecting public peace and security are prosecuted and punished. Allowing compromise in such cases would set a dangerous precedent, where the sanctity of human life is diminished, and the legal system is perceived as an instrument that can be circumvented at will, ultimately leading to a lawless society.

7. Further, it is a well settled legal position that the Courts should not normally interfere with an investigation and permit the same to be completed. Such intervention would amount to encroachment upon the lawful power of the police to investigate into cognizable offences, which would undermine the due process of law. The same was also reiterated by the Hon'ble Supreme Court in *“Satvinder Kaur vs. State (Govt. of NCT of Delhi),” 1999(8) SCC 728.*

8. Accordingly, the present petition is dismissed.

9. However, nothing observed herein shall be construed as expression of an opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

29.01.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No