



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

CRM-M-13847-2025
Date of decision: 17.03.2025

Karnail Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Arora, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner has approached this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') for quashing of FIR No.63 dated 08.10.2024 under Sections 115(2), 126(2), 333 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Bilga, District Jalandhar Rural, along with all consequential proceedings arising therefrom.

2. The gravamen of the allegations in the FIR (Annexure P-1), as lodged by the complainant/respondent No.2, is that on 27.09.2024, the petitioner attacked him outside his residence, verbally abused and grappled with him, and subsequently, armed with a spanner, forcibly entered his house. The petitioner allegedly strangled the complainant with a piece of cloth, inflicted injuries upon him, assaulted his mother when she intervened, and thereafter broke the lock of a gate leading to a shop in the premises before fleeing the scene. As per the FIR a clear and active role has been attributed to the petitioner in committing these crimes.



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3. The primary contentions of the learned counsel for the petitioner are that:

(i) he has been falsely implicated due to a long standing property dispute between the complainant and Avtar Singh, whose power of attorney holder he is;

(ii) the alleged injuries suffered by the complainant are superficial, and no injury has been inflicted by the spanner;

(iii) the delay in lodging the FIR casts doubt on the veracity of the allegations;

(iv) the petitioner has been made a scapegoat in a political rivalry.

4. Having heard learned counsel for the petitioner and perused the material on record, including the allegations in the FIR, this Court finds no ground for invoking its inherent jurisdiction under Section 528 of the BNSS to quash the FIR at this stage. The power under Section 528 of the BNSS is to be exercised sparingly and only in the rarest of rare cases, where the allegations in the FIR, even if taken at their face value, do not *prima facie* constitute any offence or disclose a case against the accused.

5. In the present case, the FIR is neither vague nor lacking in essential details. The petitioner has been specifically named and assigned a definite role in the alleged occurrence. The allegations not only pertain to assault but also to trespass into the house of the complainant, criminal intimidation and damage to the property of the complainant. These allegations, if proved, would without doubt attract



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penal provisions.

6. It is a settled principle of law that while exercising jurisdiction under section 528 of the BNSS, this Court cannot conduct a mini-trial, or appreciate the defence of the accused. The pleas advanced by the learned counsel for the petitioner, including claims of false implication due to a property dispute and political rivalry, are matters of defence that can only be examined during trial, where both parties will have a full opportunity to lead evidence and cross examine witnesses. The delay in filing the FIR, though a factor to be considered during trial, does not by itself vitiate the proceedings at this nascent stage, particularly when the allegations disclose cognizable offences.

7. The Hon'ble Supreme Court in *State of Haryana and others Vs. Ch. Bhajan Lal and others (1992 AIR SC 604)* has laid down the parameters for quashing FIR/criminal proceedings. Applying the settled principles, this Court finds that the present case does not fall within the limited categories warranting interference under Section 528 of the BNSS.

8. In view of the foregoing discussion, the instant petition being devoid of merit stands dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17.03.2025

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(MANJARI NEHRU KAUL)

JUDGE

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