



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

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CRM-M No.5736 of 2025
Date of decision: 31.01.2025

Sahil Luther

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Namit Gautam, Advocate
for the petitioner.

Mr. Sandeep Godara, DAG, Punjab.

Mr. Bharat Puri, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for quashing of FIR No.02 dated 04.01.2025 registered under Sections 316(2), 318(4) of BNS, 2023 at Police Station Division No.4, District Jalandhar (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 Gurmeet Singh, the proprietor of Dhalla Jewellers in Jalandhar, who alleges that he loaned gold ornaments worth ₹40,37,194 to Sahil Luthra (AK Diamond) on 10.10.2024 and 11.10.2024, with the agreement that Sahil Luthra would sell the gold and return the money or gold. However, Sahil Luthra failed to return either the gold or the cash as promised, despite providing a



written affidavit assuring its return. When Gurmeet Singh repeatedly sought the return of his gold. Thereafter, Sahil Luthra initially agreed to return the items after Diwali but subsequently absconded, avoiding both Gurmeet Singh and the police.

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 final report under Section 193 of the BNSS, 2023.

4. Notice of motion.

5. On asking of the Court, Mr. Sandeep Godara, DAG, 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 final report under Section 193 of B.N.S.S., 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 B.N.S.S., 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 a



fresh petition to challenge the FIR (*supra*) along with final report under Section 193 of BNSS, 2023.

(HARPREET SINGH BRAR)
JUDGE

31.01.2025
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No