CNR No: PHHC011063172026
2026:PHHC:127986

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

138 CRM-M-35437-2026
Date of Decision: 10.09.2026

Gagandeep Singh and another …Petitioners

V/s

State of Punjab and another …Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Karan Kapoor, Advocate, for the petitioners.
(through video conference).

Mr. Ravinder Singh, DAG, Punjab

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VIKRAM AGGARWAL, J (ORAL)

The prayer in this petition preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS'), is for quashing of FIR No.30 dated 28.03.2026 registered at Police Station Amir Khas District Fazilka under Sections 115(2), 117(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS') along with all consequential proceedings arising therefrom.

2. The contents of the FIR (as given in Annexure P-1) are as under:-

> ***"Office of Deputy Superintendent of Police of Police, Fazilka, No. 90-PC-R-D.S.P(H)/Fazilka dated 20.01.2026, Subject: Regarding inquiry report of complaint No. 122-SC-ST dated 31.07.2025, 393 PGRS-PC dated 30.07.2025, 394- PCRS dated 30.07.2025, 372-RPC dated 06.08.2025 and letter No. 432*RPC dated 23.08.2025 of Gursem Singh son of Sohan Singh resident of village Saide Ke, Tehsil Jalalabad District Fazilka. Sir, inquiry of the complaint mentioned under subject was conducted by me and it has found from the contents of the complaint that complainant Gursem Singh, who is resident of village Chak Saide, Tehsil Jalalabad, District Fazilka and is working as at a of a peon in the Co-Operative Society at his village Chak Saide Ke. On 24.01.2025, the office the Cooperative Society, village Chak Saido Ke, Gagandeep Singh and***

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Gurpreet Singh sons of Gurcharan Singh resident of village Chak Saide Ke, Tehsil Jalalabad, District Fazilka have beat up the complainant and caused injuries to him and they used defamatory words towards his case and have stolen Rs. 5500/- from his pocket. Due to which, the complainant has demanded for taking legal action against Gagandeep Singh and Gurpreet Singh. During inquiry of the complaint of Gursem Singh, Gamdur Singh son of Mahinder Singh, Gurpanth Singh son of Joginder Singh, Khushpreet Kaur wife of Nirmal Singh, Veerpal Kaur wife of Judge Singh: residents of village Chak Saide Ke, Tehsil Jalalabad, District Fazilka appeared and their statement have been recorded. The complainant has submitted copies of his affidavit and records regarding the said incident, which are enclosed herewith. On perusal of the documents and record, it has found that on 24.01.2025, Gurdial Singh son of Lal Singh, resident of village Chak Maude, along with his grandson Gurpreet Singh son of Gurcharan Singh, had come to the society in village Chak Saide Ke to settle his accounts with Secretary Sukhdev Singh. The complainant Gursem Singh is a peon in the same society and belongs to the Scheduled Caste "Julaha" and when Gurdial Singh came out with secretary of the society Sukhdev Singh, Gurdial Singh's grandson Gurpreet Singh abused the complainant deceased Gursem Singh and said, "You Kutia, Julahia, you have made us defaulters in connivance with your secretary Sukhdev Singh and Gurpreet Singh went home with his time, the Gurpreet grandfather. But after Singh and his brother Bhagandeep Singh came to the society and then beat up the complainant Gursem Singh and caused injuries to him. Due to which, secretary and you have constructed a permanent house in the village." Despite being stopped by complainant Gursem Singh, he did not stop talking about his caste to the complainant. He even started to complainant Gursem Singh. The some complainant Gursem Singh admitted in the Civil Hospital Jalalabad in injured condition. With regard to his injuries, MLR No. 09/RK/CHC/JBD/2025 dated 24.01.2025 received in the Police Station, on which, SI Ravipal No. 1911/Fazilka Police Station recorded his statement and Amirkhas has got recorded Rapat No. 37 dated 25.1.2025 in the Rojnamcha of Police Station for verification by the Station House Officer Police Station and after verification Officer, of Police this Rapat by Station Rapat Station No. House 33 dated 29.01.2025 has been recorded in the Rojnamcha, in which, Station House Officer Police Station has written about the beating given to complainant Gursem Singh but he has falsely got recorded in his statement about damage of government material in the society and since the injuries were under X-ray take action after therefore left the matter receiving X-ray reports. As per the inquiry conducted by me far, statement, perusal of record, secret and open inquiry, it has found that

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complainant Gursem Singh has been beaten up by Gurpreet Singh and Gagandeep Singh in the society village Chakk Said eke and due to injuries Gursem SO was admitted in the Civil Hospital Jalalabad and MLR No. 09/RK/CHC/JBD/2025 dated 24.01.2025 regarding his injuries was received in the Police Station. The Rapat No. 37 dated 25.01.2025 was recorded in the Rojnamcha of Police Station of verification of the incident by Station House Officer Police Station Amir Khas and after verification of this Rapat by Station House Officer, Police Station Rapat No. 33 dated 29.01.2025 has been recorded in the Rojnamcha, in which, Station House Officer Police Station has written about the beating given to complainant Gursem Singh but he has falsely got recorded in his statement about damage of government material in the society and since the injuries were under X-ray therefore left the matter to take action after receiving X-ray reports. In the report of X-ray regarding injures 09/RK/CHC/JBD/2025 mentioned dated MLR in 24.01.2025 of No. Gursem Singh, the doctor has written that Injury No. 1 is fracture on not associated with any external injury but there s the distal phalanx of left little finger, so advised radiology opinion and forensic opinion from GGS Faridkot for age of fracture, injury No. 2 is simple in nature as per X-ray report no. MLX/RK/30 dated 25.01.2025" It has been opinion No. 14.07.2025 given by the shown in MS/GA/13/25/15365 dated Board of Doctors of to Forensic Medicine department of Shri Guru Gobind Singh Medical College, Faridkot With regard these injuries, that X-ray of left hand (d) film 09/RK/25 dated 25.01.2025, Suggest that there is facture of terminal tuft of distal phalanx of left little finger with no bony cellus formation with ill defined margins oat places. On receiving of opinion from the doctor who issued the above said MLR, he has written that "as per received report, injury No. 01 vide MLR No.09/RK/CH/Jalalabad/2025 dated 24.01.2025 of patient Mr. Gursem Singh son of Sohan Singh, is declared grievous in nature because X-ray report shows fracture of termind tuft of distal phalanx of left little finger with no boy cellus formation with ill-defined margins of places as given by the board of doctors" As per which, the injury is found to be grievous in nature. As per MLR Rapat No. 37 dated 25.01.2025 under section 115(2), 3(5) of BNS is recorded in the Rojnamcha of Police Station Amir Khas on the statement of Gursem Singh. In the inquiry report No. SRG/1008 dated 23.04.2025 Cooperative conducted Societies, by Assistant Guruharsahai, Registrar, District Ferozepur regarding beating with the complainant, it has written that Gursem Singh was beaten up but nothing is mentioned about using defamatory words towards the caste of Gurem Singh. As per inquiry if has not proved that accused Gurpreet Singh and Gagandeep Singh have not used the words "Kutia, Julahia" but it has proved that complainant was

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beaten up by them. As per the inquiry conducted by me so far, in continuation of Rapat No. 37 dated 25.01.2025 the case is to be registered against Gurpreet Singh and Gagandeep Singh in Police Station Amir Khas by adding section 117 (2) of BNS. During investigation of the case, if the evidence regarding stealing of Rs. 5500/- from complainant Gursem Singh is proved, then same be considered during investigation. Recommendation: Report being sent to you, if approved, then in continuation of Rapat No. 37 dated 25.01.2025, the Station House Officer, Police Station Amir Khas be directed to register the case against Gurpreet Singh Gagandeep Singh in Police Station Amir Khas by adding section 117 (2) of BNS. Report submitted for suitable order. Sd/- Deputy Superintendent and of of Police (HQ), Fazilka, S.P. (PBI), Fazilka for n/a. Sd/- Senior Superintendent of Police, Fazilka, dated 27.01.2026. Office of Superintendent Police (PBI) Fazilka No. 10-PC/R/S.P(PBI) dated 17.03.2026 Subject: Report regarding complaint No. 122-SC-ST dated 31.07.2025, 393 PGRS-PC dated 30.07.2025, 394- PCRS dated 30.07.2025, 372-RPC dated 06.08.2025 and letter No. 432-RPC dated 23.08.2025, 116-PGRS-PC dated 25.02.2026, 187-PC-DC dated 09.03.226 and 687-PC-D2 dated 13.03.2026 of Gursem Singh son of Sohan Singh resident of village Saide Ke, Tehsil Jalalabad District Fazilka. Sir, it is reququested tat the above said complaints were recived for inquiry to Sh. Lovdeep Singh Gill, PPS, Deputy Superintendent of Police (HQ), of Jalalabad, who conducted inquiry these complaints and has mentioned in his report No. 93-PC-R-DSP (H) dated 20.01.2026 that if approved, then in continuation of Rapat No. 37 dated 25.01.2025, the Station House Officer, Police Station Amir Khas be directed to register the case against Gurpreet Singh and Gagandeep Singh in Police Station Amir Khas by adding section 117 (2) of BNS, which has been marked to the undersigned for comments. On perusal of the record and report sent by Deputy Superintendent of Police (HQ), Fazilka, it has found that Commissioner of Police Gursem Singh got injured in the Civil Hospital Jalalabad due injuries and his MLR report No. 09/RK/CHC/JBD/2025 dated 24.01.2025 to for was received in the Police Station, whereupon SI Ravipal No. 1911/FZK Police Station Amir Khas has recorded his statement and recorded Rapat No. 37 dated 25.01.2025 verification of incident by the Station House Officer, Amir Khas and after verification of said Rapat by Station House Officer, Police Station, Rapat No.33 dated 29.01.2026 was recorded in the Rojnamcha of Police Station, in which the Station House Officer, has written that complainant Gursem Singh has been beaten up and caused injuries but it has not proved that the government material of the society was damaged or used defamatory words towards the caste of complainant and since the injuries were under X-ray therefore left the matter of to take action after

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receiving X-ray reports. The doctor has written in the X-ray report of complainant Gursem Singh that Injury No. 1 is not associated with any external injury but there s fracture on the distal phalanx of left little finger, so advised radiology opinion and forensic opinion from GGS Faridkot for age of fracture, injury No. 2 is simple in nature as per X-ray report no. MLX/RK/30 dated 25.01.2025" It has been shown in opinion No. MS/GA/13/25/15365 dated of to 14.07.2025 given by the Board of Doctors Forensic Medicine department of Shri Guru Gobind Singh Medical College, Faridkot With regard these injuries, that X-ray of left hand (d) film 09/RK/25 dated 25.01.2025, Suggest that there is facture of terminal tuft of distal phalanx of left little finger with no bony cellus formation with ill defined margins oat places. On receiving of opinion from the doctor who issued the above said MLR, he has written that "as per received report, injury No. 01 vide MLR No.09/RK/CH/Jalalabad/2025 dated 24.01.2025 of patient Mr. Gursem Singh son of Sohan Singh, is declared grievous in nature because X-ray report shows fracture of termind tuft of distal phalanx of left little finger with no boy cellus formation with ill-defined margins of places as given by the board of doctors" As per which, the injury is found to be grievous in nature. As per MLR Rapat No. 37 dated 25.01.2025 under section 115 (2), 3 (5) of BNS is recorded in the Rojnamcha of Police Station Amir Khas on the statement of Gursem Singh. In the inquiry report No. SRG/1008 dated 23.04.2025 Cooperative conducted by Assistant Registrar, Societies, Guruharsahai, District Ferozepur regarding beating with the complainant, it has written that Gursem Singh was beaten up but nothing is mentioned about using defamatory words towards the caste of Gurem Singh. As per inquiry, if has not proved that accused Gurpreet Singh and Gagandeep Singh have not used the words "Kutia, Julahia" but it has proved that complainant was beaten up by them. As per the inquiry conducted by me so far, in continuation of Rapat No. 37 dated 25.01.2025 the case is to be registered against Gurpreet Singh and Gagandeep Singh in Police Station Amir Khas by adding section 117 (2) of BNS. During investigation of the case, regarding stealing of Rs. 5500/- from complainant Gursem Singh is proved, then same be considered if the evidence (H) during investigation. I am agreed with the inquiry report of Deputy Superintendent of Police approved, then Fazilka. Recommendation: If in continuation to Rapat No. 37 dated 25.01.2025, the Station House Officer, Police Station Amir Khas be directed to register case by adding section 117(2) of BNS against Gagandeep Singh and Gurpreet Singh, of village Saido Chak Ke, Tehsil residents Jalalabad District Fazilka. Report submitted. Sd/-Superintendent of Police (PBI), Fazilka. "Station House Officer, Police Station Amir Khas to register the case Superintendent and investigate" of Sd/-Fazilka,

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> ***Senior dated Police, 18.03.2026. Today in Police Station: On receiving of complaint along with inquiry report in the Police Station, after register case the copy of FR along with original complaint and report and other documents are being handed over to ASI Mahinder Singh No. 653/Fazilka PCR FAzilka is being intimated through Email."***

3. Learned counsel for the petitioners submits that as per an enquiry conducted, the allegations were found to be false and a cancellation report was to be prepared. Reference has been made to GD No.29 (Annexure P-3).

4. In the status report submitted by Sh. Lavdeep Singh Gill, Deputy Superintendent of Police (Headquarters), Fazilka, it has been stated as under:-

> "***5. That it is respectfully submitted that the complainant Gursem Singh (respondent No.2) moved an application No.122-SC-ST dated 31.07.2025 to SSP Fazilka wherein it was stated that the complainant Gursem Singh is resident of village Chak Saide Ke tehsil Jalalabad and is working as a peon in the Co-operative at his village Chak Saide Ke. On 24.01.2025, at the office of Co-operative Society, Village Chak Saido Ke, present petitioners Gagandeep singh and Gurpreet singh have beaten up the complainant and caused injuries to him and they used defamatory words towards his caste and have stolen Rs.5500/-from the pocket of complainant, therefore, the complainant demanded legal action against the petitioners/accused.***
>
> ***6. That it is respectfully submitted that above noted complaint of the respondent No.2 was got inquired into through D.S.P. (H) Fazilka. After thorough probe into the matter, present FIR No.30 dated 28.03.2026 under sections 115(2), 117 (2) and 3(5) of BNS was registered against present petitioners at police station, Amir Khas District Fazilka.***
>
> ***7. That it is respectfully submitted that both the accused/petitioners are yet to be arrested in the present case. No cancellation report has been submitted in the present case. Presently, inquiry of application of the respondent No.2 is being carried out by D.S.P. (D) Ferozepur as per instructions of D.I.G. Ferozepur Range, Ferozepur.***
>
> ***8. That it is respectfully submitted that investigation of the present FIR, is in motion. 1 No valid, cogent or convincing grounds for quashing the present FIR, is available with the petitioners. So, the present FIR cannot be quashed. Hence, the present petition is liable to be dismissed being bereft of any merits."***

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5. It is, therefore, evident that neither had the petitioners applied for anticipatory bail nor regular bail nor had they joined investigation. It is also evident that the investigation is still going on and the DIG concerned is looking into the matter. If one keeps the principles enunciated by the Apex Court in the case of ***State of Haryana v. Ch. Bhajan Lal and others, 1992 AIR SC 604*** and the decision of a coordinate Bench in the case of ***Kuldeep Singh v. State of Punjab and others (CRM-M-12541-2026, decided on 06.05.2026)***, this Court does not find any occasion to interfere at this stage.

6. That being so, the petition is found to be devoid of merit and is accordingly dismissed.

(VIKRAM AGGARWAL)
JUDGE

September 10, 2026
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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