

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

(265)

CRM-M-24881-2025 (O&M)

Date of Decision: **04.08.2026**

KULDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondent

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Sukhdeep Singh Bhinder, Advocate and
Mr. D.S. Bhinder, Advocate
for the petitioner.

Ms. Navreet Kaur, Asstt. AG, Punjab.

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VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been instituted under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, inter alia, seeking issuance of directions to respondent No.2 to consider and decide the petitioner's representation dated 22.04.2025 in accordance with law.

1.1. The petitioner has further prayed for issuance of appropriate directions to safeguard his life and personal liberty from the alleged harassment and intimidation at the hands of the police officials of Police Station Dhanaula, District Barnala, who are alleged to be threatening to falsely implicate him in criminal cases, including under the Narcotic Drugs and Psychotropic Substances Act, 1985, in order to compel him to



withdraw the contempt proceedings stated to be pending before the learned Sessions Judge, Barnala.

1.2. A further direction has also been sought requiring the concerned police officials to strictly adhere to the provisions of Section 179 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in the event the petitioner's presence is required during the course of any inquiry or investigation.

2. Learned counsel for the petitioner contends that the petitioner is a law-abiding citizen who has been subjected to continuous harassment and vindictive action at the instance of the police officials of Police Station Dhanaula. It is submitted that after initiation of contempt proceedings against certain police officials before the learned Sessions Judge, Barnala, the petitioner has been repeatedly threatened with false implication in criminal cases, particularly under the NDPS Act, with the sole object of compelling him to withdraw the said proceedings. It is further contended that despite having secured bail and acquittal in earlier criminal cases, the petitioner continues to face persistent intimidation and coercion at the hands of the local police.

2.1. Learned counsel further submits that the petitioner submitted a detailed representation dated 22.04.2025 before the Senior Superintendent of Police, Barnala, highlighting the alleged acts of harassment and seeking protection of his life and liberty. However, no action has been taken thereon till date. It is accordingly argued that the inaction of the authorities has constrained the petitioner to invoke the extraordinary jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking appropriate directions to protect his fundamental right to life



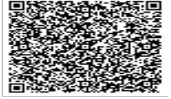
and personal liberty guaranteed under Article 21 of the Constitution of India, as well as to ensure compliance with the statutory safeguards contained in Section 179 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

3. Per contra, learned State counsel submits that the allegations levelled in the petition are wholly unfounded and devoid of any factual basis. It is contended that the petitioner has neither appeared before the competent authority nor pursued his representation in accordance with law. Learned State counsel further submits that the matter has been duly inquired into and no material has surfaced to substantiate the allegation that any police official of Police Station Dhanaula either threatened the petitioner or attempted to coerce him into withdrawing the contempt proceedings. It is also pointed out that the contempt proceedings referred to by the petitioner were not instituted by him. Accordingly, it is prayed that the present petition, being devoid of merit, be dismissed.

4. I have heard learned counsel for the parties at considerable length and have meticulously perused the paper book and the material placed on record with their able assistance.

5. Learned counsel for the petitioner has further contended that even during the pendency of the present petition, the petitioner has allegedly been implicated in several additional criminal cases at the instance of the police officials of Police Station Dhanaula, which, according to him, substantiates the apprehension expressed in the present petition regarding false implication and police harassment.

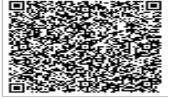
5.1. This Court has given anxious consideration to the aforesaid submission. However, the mere registration of subsequent criminal cases against the petitioner, by itself, cannot inexorably lead to the conclusion



that such prosecutions are false, malicious or actuated by mala fides. The correctness, legality and veracity of the allegations forming the subject matter of those criminal cases are matters which fall exclusively within the domain of the competent criminal Court and can only be adjudicated upon after a full-fledged investigation, presentation of the prosecution case and appreciation of the evidence adduced by the respective parties during the course of trial. At this stage, any observation by this Court touching upon the genuineness or otherwise of the allegations would not only be premature but may also prejudice the rights of either party in the pending criminal proceedings.

5.2. It is equally well settled that the extraordinary and inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is required to be exercised sparingly and with circumspection. Such jurisdiction cannot be invoked on the basis of mere apprehensions, conjectures or unsubstantiated allegations, particularly when the petitioner has efficacious statutory remedies available under the criminal law in the event any action is found to be illegal or arbitrary. This Court, in exercise of its inherent jurisdiction, cannot embark upon a roving enquiry into the correctness of criminal cases which are already the subject matter of independent investigation or trial.

5.3. The relief sought by the petitioner virtually requires this Court to record a finding that the criminal cases registered against him are false and motivated. Such a determination is beyond the permissible scope of the present proceedings and would amount to prejudging issues which are yet to be examined by the Courts of competent jurisdiction on the basis of legally admissible evidence.



5.4. It is, however, observed that if the petitioner is summoned or required to join any investigation in connection with any criminal case, the concerned Investigating Agency shall act in accordance with the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, and shall ensure due compliance with all statutory safeguards available to the petitioner under law. Needless to observe, the petitioner shall equally be at liberty to avail such remedies as may be available to him in accordance with law against any action which he considers to be arbitrary, illegal or violative of his legal or constitutional rights.

5.5. In view of the foregoing discussion, this Court does not find any ground warranting interference or issuance of the directions prayed for in the present petition. Consequently, without expressing any opinion on the merits of any pending or future criminal proceedings involving the petitioner, the present petition, being devoid of merit, is hereby **dismissed**.

6. In view of the final adjudication of the principal petition, all pending miscellaneous applications, if any, arising out of or ancillary thereto, shall also stand disposed of. The adjudication of the principal lis has rendered all such interlocutory proceedings infructuous, and consequently, no separate or further orders are called for in respect thereof.

04.08.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No