



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

(128)

CRM-M-14854-2026 (O&M)

Date of decision: 16.04.2026

SANDEEP SINGH

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Saket Bhandari, Advocate for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana

KIRTI SINGH, J.

1. Reply by way of affidavit of Dy. Superintendent of Police, Assandh, Karnal, has been filed on behalf of the State, which is taken on record.

2. The prayer in the instant petition is for quashing of impugned order dated 11.02.2026, passed by the learned Principal Magistrate, Juvenile Justice Board, Karnal whereby the application filed by the present petitioner under Section 348 BNSS (311 Cr.P.C.) read with Section 193(9) BNSS (Section 173(8) Cr.P.C.) for further investigation/re-investigation of essential evidence, in case FIR No.208 dated 02.07.2024, registered under Sections 376-D, 34, 120-B of IPC and Sections 6 & 17 of POCSO Act, at Police Station Munak, District Karnal was dismissed. A further prayer is also made for direction to the police of cyber crime/or any other investigating agency to retrieve the data from the *Instagram* account of respondent No.2.

3. Learned counsel for the petitioner/complainant submits that the



investigation conducted by the Investigating Agency in the present case is tainted with *mala fides*. It is argued that despite serious and specific allegations of committing rape upon the prosecutrix and thereafter circulating the video of the incident on social media having been levelled, there was failure to recover the mobile phone from which the said video was made viral. It is submitted that the investigating officer sent some other mobile phone of respondent No.2 to the FSL for forensic examination, and not the mobile phone from which the alleged video was uploaded. It was for that reason that no obscene video of the prosecutrix was found stored in the internal memory of the mobile phone as per the FSL report. In this regard, the petitioner filed an application on 02.02.2026 before the learned competent Court at Karnal, seeking directions to the investigating agency to conduct fair and impartial investigation by retrieving digital data. However, vide impugned order dated 11.02.2026, learned Principal Magistrate, Juvenile Justice Board, Karnal dismissed the said application. The instant petition has been filed challenging the same.

4. Learned counsel argued that despite there being oral evidence of the prosecutrix, the complainant as well as the neighbor of the complainant, the investigating agency has failed to recover the relevant data. Even as per the status report dated 27.01.2025, it was respondent No.2 who had recorded the incident in his mobile phone and made it viral. It is further argued that *mala fide* conduct can also be seen from the fact that names of two co-accused were dropped in the present FIR without any proper grounds. However, it was only when the petitioner filed an application under Section 210 BNSS that those two co-accused were summoned to face trial by the learned trial Court. To buttress his submissions, he places reliance



upon the judgment passed by the Apex Court in case “*State through Central Bureau of Investigation V. Hemendhra Reddy and another etc.*” reported in *2023(3) RCR (CRL.) 636*.

5. The learned State counsel submits that the learned trial Court, after due consideration of the facts of the case and the evidence adduced, dismissed the petition/application filed before it. While placing reliance upon the status report, she submits that on 04.07.2024, the alleged video was put in a pen drive and the same was taken into police possession, whereafter Section 67 of IT Act was added in the instant case. After investigation, final report against respondent No.2 was submitted before the learned trial Court on 20.12.2024, and thereafter charges were framed against him vide order dated 21.03.2025. At present, the trial is pending for defence evidence, since all of the 17 prosecution witnesses stand examined before the learned trial Court.

6. Heard the submissions advanced and perused the material placed on record.

7. Before proceeding further, it would be relevant to note that the investigating agency registered the instant FIR against the accused, conducted investigation, and filed the charge-sheet. The trial is ongoing, and is presently at the stage of defense evidence. It also comes out from the perusal of the case file that two more applications, prior to one which was dismissed by way of the impugned order dated 11.02.2026, had already been filed. At this juncture, the Court cannot lose sight of the settled principle that further investigation cannot be ordered merely to fill perceived lacunae or to conduct a roving inquiry, given that the scope of directing further investigation under criminal jurisprudence is well settled and is to be



exercised sparingly, only where the Court is satisfied that the investigation conducted is tainted, unfair, or demonstrably incomplete.

8. In the present case, all the grounds raised herein have been addressed by the learned Principal Magistrate in the impugned order dated 11.02.2026. It was duly observed therein that at no stage was it stated by the material witnesses that the alleged obscene video was got viraled by the child-in-conflict with law (respondent No.2) through his Instagram ID, and neither was any evidence to the effect discovered during investigation. On the contrary, it had come on record in the FSL report that no video file related to the video file of the alleged obscene video contained in the pen drive supplied was found. No illegality or perversity in the said order has been pointed out so as to warrant any interference by this Court.

9. The averment made that the seal was opened and a different mobile phone was sent to the FSL, though serious, also remains a bald assertion without any supporting evidence. No material, be it any document proving the device mismatch or any discrepancy in the malkhana register, has been placed on record to substantiate the same. Under such circumstances, a mere difference in exhibit numbering does not establish tampering. Moreover, such a discrepancy should have been flagged at stage of supply of documents or during evidence, however, it is being raised at a belated stage when the prosecution evidence stands closed.

10. Furthermore, the nature of the request seeking IP logs, deleted data etc, in the absence of any foundational material, amounts to a fishing and roving inquiry, which is impermissible in law, and that too at such a belated stage. Trite to say that further investigation cannot be converted into a tool to repair what the prosecution failed to prove.



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11. In view of the above discussion, this Court is of the considered opinion that no compelling circumstances have been demonstrated, warranting a direction for further investigation. Accordingly, the petition, being *sans* merit, is accordingly dismissed.

April 16, 2026

Ithlesh

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

(KIRTI SINGH)
JUDGE