

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

107

CRM-M-50978-2024

DATE OF DECISION: 15.10.2024

RAM ASRA AND ORS

...PETITIONERS

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Shivya Sehgal, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for the grant anticipatory/pre-arrest bail to the petitioners in FIR No. 23 Dated 14.09.2024, U/s 329(3), 303 (2) and 351(2) of the Bhartiya Nyaya Sahnita (BNS), 2023, registered at P.S. NRI, District Jalandhar Rural (Annexure-P-4).

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

‘Complaint UID No.2408761 dated 14.08.2024 moved by Sawan Singh son of Pargan Singh resident of Village and Post Office Nagra, Tehsil Phillaur, Distt. Jalandhar (presently residing at U.K.) to the Office of Hon'ble Addl. Director General of Police, N.R.I. Wing, Punjab, Phase-7, S.A.S.Nagar, contents of which are as follows, To the Hon'ble A.D.P., N.R.I. Department, S.A.S. Nagar. Subject: Regarding encroachment



over land, hurling abuses and extending threats. Sir, It is requested that I Sawan Singh son of Pargan Singh am resident of Village and Post Office Nagra, Tehsil Phillaur, Distt. Jalandhar (presently residing at U.K.) and request your goodself that I have a property at Village Nagra, Tehsil Phillaur, District Jalandhar, in which Ram Asra son of Kartara resident of village Nagra, District Jalandhar was residing, because the land was given to him for taking care thereof, but he has encroached over the said land and when we tell him to vacate the land, he abuses us and threaten us and Vijay, Buta, Mangal Singh sons of Rama Asra help him and they all in connivance with each other are doing wrong with us and have threatened to kill us and they say that they would get registered some false case against us and will not let us go abroad. In this regard Village Panchayat was contacted, but they did not appear even at the asking of Sarpanch and are telling a lie that we have purchased the land and when we asked for document to that effect, they told that we do not have any paper. Therefore your are requested that the encroachment of the above persons over our property be got removed and possession of the above property be got delivered to us in the presence of police, SO that we may get justice. Sd/- Sawan Singh.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioners has argued that the petitioners have been falsely implicated in this case and the dispute involved in the present FIR is of civil in nature which has been given a criminal colour for the purpose of arm-twisting the petitioners.

On behalf of the State

Learned State Counsel appearing on advance notice on



instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that allegations against the petitioners are serious in nature and the custodial interrogation of the petitioners is required, therefore, prays for dismissal of the instant petition.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for the petitioners that the dispute involved in the present FIR is of civil nature which has been given a criminal colour by the complainant, this Court finds no reason to deny the petitioners the concession of anticipatory bail, wherein the petitioners have bona fide intentions and are willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioners are hereby directed to be released on anticipatory bail subject to their joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such



directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'*

However, it is made clear that in case the petitioners does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

15.10.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>