

CRM-M-53964-2024 and other connected matters
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309 + 310 + 311 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:- 18.12.2024

(1)

CRM-M-53964-2024

Vinod Nagpal ...Petitioner

Vs.

State of Punjab ...Respondent

(2)

CRM-M-54270-2024 (O&M)

Deepak Nagpal and Another ...Petitioners

Vs.

State of Punjab ...Respondent

(3)

CRM-M-54553-2024

Parveen Nagpal ...Petitioner

Vs.

State of Punjab ...Respondent

(4)

CRM-M-54563-2024

Jatinder Nagpal ...Petitioner

Vs.

State of Punjab ...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Mohit Poswal, Advocate for
Mr. S.K. Sirsa, Advocate
for the petitioner(s) in CRM-M-53964-2024,
CRM-M-54553-2024 and CRM-M-54563-2024.

Dr. Rau P.S. Girwar, Advocate with
Ms. Archana Puhanian, Advocate and

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Mr. K.T. Rau, Advocate
for the petitioners in CRM-M-54270-2024.

Mr. Gautam Thapar, AAG, Punjab.

Mr. Sumeet S. Brar, Advocate
for the complainant.

AMARJOT BHATTI, J.(Oral)

1. All petitions, CRM-M-53964-2024, CRM-M-54553-2024, CRM-M-54563-2024 and CRM-M-54270-2024 as referred above arising out of common FIR are taken up together with consent of learned counsel for parties.
2. Petitioners – Vinod Nagpal, Deepak Nagpal and Ashok Kumar, Parveen Nagpal and Jatinder Nagpal have filed separate petitions under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No. 173 dated 07.10.2024, under Section 125, 329(3), 305, 331(4), 190, 191(3) of Bharatiya Nyaya Sanhita, 2023 and Section 25, 27 of Arms Act, 1959 (inadvertently mentioned as Section 24 of Arms Act in head note of CRM-M Nos. 53964, 54553 and 54563 of 2024), registered at Police Station Canal Colony, Bathinda.
3. Facts of the case are complainant Sarabjit Singh gave his statement that he is an agriculturalist by profession. He along with Harpal Singh and others purchased 9 bighas and 3 biswas of land situated between Bir Chowk and Kisan Chowk on Ring Road in the year 2007-08. Said land was used for farming and they were planning to sow mustard crop. They had raised boundary wall as there was problem with stray animals. Few days ago, they had raised boundary wall on one side and installed barbed

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wire fencing towards the side of road. On the intervening night of 06/07.10.2024, at about 12 o'clock, Praveen Kumar alias Shaikey, Vinod Kumar, Jatinder Kumar, Ashok Kumar and Deepak Kumar along with 8-9 unidentified persons and 3-4 women came to the spot, armed with weapons in 4-5 cars and 4-5 motorcycles and one JCB machine. Daljot Singh alias Babbu, their caretaker was restrained on gunpoint and wall was demolished with the help of JCB machine. They also took away gas cylinder, stove, submersible pump and iron mesh from their farm shed. Even earlier, they had tried to demolish the wall and matter was reported to police. With these allegations, present FIR has been registered.

4. Learned counsel for petitioner Vinod Nagpal in CRM-M-53964-2024 raised arguments that allegations are false and without any basis. It is a case of no injury. No recovery is to be effected. Matter in controversy is civil in nature. In fact, complainant wants to take possession of land from the joint property of his own choice forcibly. It was complainant who was raising wall forcibly and police was informed. Photographs are Annexure P-3. Present petitioner was not present on the spot. He is also relying on still photographs of CCTV camera in his hotel (Annexure P-5). Without considering these facts, anticipatory bail application was wrongly declined.

5. Learned counsel for petitioners Deepak Nagpal and Ashok Kumar in CRM-M-54270-2024 argued that they are falsely implicated in this case. They have no connection with said occurrence. Property in question is a joint property. Translated copy of *Jamabandi* for the year 2017-18 is Annexure P-1. Regarding the presence of present petitioners,

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there is CCTV footage and photographs are annexed with bail application as Annexure P-8. Wife of petitioner is co-sharer in property. They are ready to join the investigation as and when required.

6. Learned counsel for petitioners Parveen Nagpal in CRM-M-54553-2024 and Jatinder Nagpal in CRM-M-54563-2024 argued that petitioners were granted interim bail vide orders dated 30.10.2024 and in pursuance of this, they joined investigation. Allegations against them are false and without any basis. Learned counsel has relied upon the same photographs regarding raising of construction of wall as referred above. Present petitioners are co-sharers in property and it is the complainant who is using force to take possession of better portion of land from the joint *khata*.

Petitioners will abide by the terms and conditions of bail orders.

7. Learned counsel representing State filed status report in all the aforesaid bail applications. Bail applications are opposed by learned counsel representing complainant and State counsel. It is pointed out that accused persons armed with weapons demolished the wall with the help of JCB machine and there was an attempt to take possession of land illegally at gunpoint. Said persons took away gas cylinder, gas stove, iron net etc., which are yet to be recovered. Weapon of offence and JCB machine are also to be recovered in the case in hand. Therefore, custodial interrogation of petitioners is required and they are not entitled to be released on anticipatory bail.

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8. I have considered the arguments and have gone through the records carefully. Certain facts are admitted that *khata* is joint and land is not partitioned by revenue agency. Photographs relied upon by petitioners as well as complainant indicate that in the joint property, firstly, complainant party raised construction of wall with the help of bricks and mud. Photographs of the wall while the construction was being raised are annexed with bail applications and one photograph is also placed on record by learned counsel for complainant vide which entire wall was demolished and bricks were lying on the spot. Facts indicate that no partition proceedings are going on before the Revenue Agency as per their title deeds. However, Vinod Nagpal, Parveen Nagpal, Jatinder Nagpal, Neelam, Renu and Manju filed suit for permanent injunction against Harpal Singh and others. Matter in controversy is civil in nature. Effort is to take physical possession of specific portion of land.

Parveen Nagpal and Jatinder Nagpal were granted interim bail and they have already joined investigation. Other petitioners are also ready to join investigation as and when required. Considering the aforesaid factual position, anticipatory bail petitions filed by petitioner **Vinod Nagpal in CRM-M-53964-2024** and petitioners **Deepak Nagpal and Ashok Kumar in CRM-M-54270-2024** are allowed. They be not arrested. In case of their arrest, they be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to condition that petitioners will join investigation as and when required. They will not tamper with or interfere with investigation and will not leave country

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without prior permission as provided under Section 482(2) BNSS, 2023.

So far as petitioner **Parveen Nagpal in CRM-M-54553-2024** and petitioner **Jatinder Nagpal in CRM-M-54563-2024** are concerned, *interim* bails already granted in their favour vide orders dated **30.10.2024** **stands confirmed**, subject to terms and conditions as detailed under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

9. Pending miscellaneous application(s), if any, in all cases, stand disposed of accordingly as well.

10. A photocopy of this order be placed on the files of connected cases mentioned above.

18.12.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No