



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

CRM-M No.8728 of 2025

Date of decision: 15th February, 2025

Shamsher Singh @ Shera @ Shere Punjab Singh

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Khushbir K. Waraich, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 482 BNSS in case FIR No.06 dated 25.01.2025 under Sections 299, 329(3), 61(2), 190 of the Bharatiya Nyaya Sanhita, 2023 registered at Police Station City Batala.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case, which arises from allegations that he placed Sri Guru Granth Sahib in a tin shed at Dharampura Colony, Batala, with the purported intent of unlawfully occupying Government land. While referring to the contents of the FIR annexed as Annexure P-1, learned counsel argues that the alleged involvement of the petitioner is entirely baseless, as he was not present at the scene of the incident. It is further submitted that the complainant,

who is not an eye witness, lodged the FIR due to personal animosity rather than any actual knowledge of the alleged occurrence.

3. Learned counsel further asserts that the petitioner neither installed the tin shed nor placed Sri Guru Granth Sahib at the site in question, and thus, the allegations leveled against him are without foundation. It is vehemently contended that the present FIR is, in fact, a retaliatory measure against the peaceful protest by the petitioner against the Improvement Trust, Batala. It has been contended that the petitioner has been vocal in opposing the actions of the Trust, particularly regarding an incident on 14.09.2024, when the authorities used a JCB to damage the sewerage pipes of several houses, including that of the petitioner. In response, the petitioner submitted a representation dated 16.09.2024 (Annexure P-3) to the Chairman of the Improvement Trust, Batala, seeking necessary repairs. According to learned counsel, the petitioner's peaceful demonstration against these acts has been maliciously misconstrued and misrepresented as an act of sacrilege to falsely implicate him in the present case.

4. Notice of motion.

5. Mr. Shiva Khurmi, Asst. Advocate General, Punjab who is present in Court, accepts notice on behalf of the State.

6. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, contends that the allegations against the petitioner are grave and well-founded. It is submitted that the petitioner, in connivance with his co-accused, deliberately placed Sri

Guru Granth Sahib at an unclean location on the land of Improvement Trust to lend a façade of legitimacy to an illegal encroachment. It has been argued by the learned State counsel that this act, has deeply hurt religious sentiments and amounts to a serious offence.

7. Additionally, learned State counsel, on instructions, has informed the Court that the petitioner has a history of previous criminal antecedents, as he is facing prosecution in two other cases under the Indian Penal Code. Given the sensitivity of the allegations and the pending land dispute, it is submitted by the learned State counsel that granting anticipatory bail to the petitioner would hinder a fair investigation.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. The allegations against the petitioner are of a serious nature, involving an act of sacrilege and unauthorized encroachment on Government land. The contention of the petitioner regarding his false implication, allegedly as a consequence of his protest against the Improvement Trust, Batala, is a matter of factual determination that cannot be adjudicated at this stage.

10. Furthermore, as per the learned State counsel, the petitioner has criminal antecedents, as he is booked in two other cases of a similar nature. The gravity of the allegations, coupled with the petitioner's prior criminal record, raises concerns about the potential obstruction of a fair investigation if he is extended the concession of anticipatory bail.

11. Given the facts and circumstances of the case, this Court does not find it appropriate to extend the extraordinary concession of anticipatory bail to the petitioner. The petition as such stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 15, 2025
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No