

2025:PHHC:090580



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

CRM-M-29043-2025
Date of Decision:10.07.2025

Harvinder Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. P.S. Ahluwalia, Advocate
Mr. H.S. Randhawa, Advocate and
Mr. R.S. Aulakh, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. R.S. Rai, Senior Advocate and
Ms. G.K. Mann, Senior Advocate with
Mr. Hakam Singh, Advocate and
Mr. Dushant Rana, Advocate and
Mr. Farhad Kohli, Advocate and
Ms. Amandeep Kaur, Advocate and
Ms. Amrita Negi, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (ORAL)

1. The petitioner has approached this Court by way of filing present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR No.548 dated 11.08.2024 (Annexure P-1) under Sections 109(1)/190/191(2)/191(3)/249B/351(2)/61/191(1)/132/221/121(1) of BNS, 2023 and Sections 25/27/30 of the Arms Act, 1959, registered at P.S. Rania, District Sirsa.

2. Succinctly facts of the case are that FIR No.548 dated 11.08.2024 (Annexure P-1) had been lodged on the statement of the complainant Karan

Singh son of Purshotam Singh. It had been alleged that on 11.08.2024 at around 06:00/06:30 am, he along with Dhyani Singh and others were sprinkling urea compost in paddy crop in the land adjoining Dera Jiwan Nagar, which was owned by Langar Gurudwara Bhaini Sahib. After sprinkling the urea, when they were having tea at about 06:30 AM, then Gurdev Singh alias Kanda, Gian Singh, Maha Singh, Savinder Singh alias Balla Kanadia, Surjit Singh, Gurdev Singh Nasoria, Jagdev Singh Panch, Dr. Ranjit Singh UP-Wala, Balkar Singh, Harvinder Singh alias Mithu (petitioner), Harpal Singh, Harpej Singh alias Peja Driver, Karnail Singh, Harvinder Singh alias Hira Panch, Gurtej Singh alias Kaka, Kuldeep Singh, Jaspal Singh, Major Singh along with 20-25 unknown persons came there from the passage adjoining to the Dera, who were armed with gun and revolver. Gurdev Singh alias Kanda was armed with gun, Gian Singh was armed with revolver and remaining persons were armed with swords. Gurdev Singh alias Kanda and Harvinder Singh alias Mithu (petitioner) raised *lalkara* and they started firing. Gurdev Singh fired from his gun towards me, which hit on my face; Harvinder Singh alias Mithu (petitioner) fired with his gun, which hit Dhyani Singh and Jagdev Singh fired from his gun, which hit Sukhchain Singh. Thereafter, the police came there, however, these persons fired at the police party as well. Passersby gathered at the spot and thereafter, all the persons escaped from the scene of the occurrence. It was alleged that the assailants wanted to take forcible possession of Langar Gurudwara Bhaini Sahib and hence, they attacked them in order to kill them. Request was made to take legal action against the accused persons.

3. At the behest of the petitioner side, FIR No.547 dated 11.08.2024, under Sections 115/190/191(2)/191(3)/329(3)/351(2) of BNS, 2023 and Section 25 of the Arms Act, 1959, Police Station Rania, District Sirsa

(Annexure P-8) has also been lodged by the complainant Jaspal Singh of Namdhari Gurudwara Samiti Jiwan Nagar, regarding the same occurrence. Thus, the present case is of version and cross-version. Apprehending arrest, the petitioner approached the Court of Ld. Additional Sessions Judge, Sirsa praying for grant of the bail, however, after hearing both the sides, the same had been declined by the Ld. ASJ, Sirsa vide its order dated 10.02.2025 (Annexure P-9). Hence, being aggrieved, the petitioner has approached this Court by way of filing the present petition under Section 482 of BNSS, 2023 for grant of anticipatory bail.

4. It has been vehemently contended by the learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that bone of contention between both the sides is regarding possession of the land, for which the complainant side duly armed had attacked them to take the forcible possession of the land, on which the petitioner side has the legal possession. He submits that mutation record pertaining to the year 1986-87 reveals that possession of this land was in the name of Baldev Singh. It is submitted that record further reveals that Baldev Singh was father of the petitioner. The father of the petitioner mortgaged the land measuring 88 Kanal 01 Marla in favour of Bebe Daleep Kaur by way of mortgage deed dated 14.12.1999. In order to take the forcible possession of this property, the complainant side in illegal manner headed by Satguru Jagjeet Singh created a false document. On the strength of this falsely created document i.e. exchange deed, a mutation was entered into vide mutation No.4899 dated 18.12.1999. This mutation was challenged by Bebe Daleep Kaur and thus, the mutation bearing No.4899 was set aside. Thus, the possession of the petitioner side is duly proved and the revenue record

pertaining to the year 2001-2002 also proves the same. Thereafter, in the revenue proceedings, the order dated 18.12.1999 was restored in favour of the faction headed by Satguru Jagjeet Singh. The learned Financial Commissioner, Haryana in ROR No.207 of 2008-09 vide order dated 27.06.2019 had set aside the order dated 17.10.2008 (Annexure P-6) passed by the learned Commissioner. He, thus, submitted that from the revenue record the possession of the petitioner side is duly proved. The complainant side was prejudiced with the possession of the petitioner side and hence, on 11.08.2024 in the earlier hours, they opened attack upon them in a deliberate manner. He submits that occurrence in the present case had taken place at 06:30 AM and the petitioner side lodged FIR No.547 dated 11.08.2024 (Annexure P-8) but the complainant side as a counter-blast has lodged FIR No.548 dated 11.08.2024 (Annexure P-1) subsequent to the FIR lodged by the petitioner side. He submits that investigating agency has registered the same, in a biased manner. He submits that though FIR No.547 dated 11.08.2024 (Annexure P-8) have been lodged by the petitioner side prior in time, however, no effective investigation has been carried out by the investigating agency. It is submitted that the petitioner side as is evident from the revenue record, was in peaceful possession of the disputed land and had acted only in self-defence. He submits that this was not the first incident made by the complainant side as on earlier occasions as well multiple times they have made attempts to disturb the peaceful possession of the petitioner side in an illegal and forcible manner. He submits that the investigating agency is proceeding against the petitioner in a highly biased manner and has added various offence without there being any essential ingredients of the offence, having been attracted. He submits that from the facts and circumstances of the case it is evident that complainant side was the

aggressor whereas the petitioner side was in peaceful possession of the disputed land. Thus, the petitioner side had every right in their self-defence. Hence, he prayed that no *prima facie* case as alleged against the petitioner is made out and hence, the petitioner deserves to be granted anticipatory bail.

5. Per contra, learned Senior counsel for the complainant has vehemently opposed the submissions made by the counsel for the petitioner. He submits that counsel for the petitioner has mis-interpreted the revenue records in order to escape the overt act petitioner has committed. He submits that the petitioner is not only specifically named in the FIR but he was duly armed with gun and opened fire on Dhyan Singh and both the arms of Dhyan Singh had been amputated. He submits that the jamabandi relied upon by the petitioner pertains to the year 2006-07, wherein the name of the father of the petitioner Baldev Singh has been mentioned. However, he has wrongly relied upon the same as the perusal of the jamabandi for the year 2011-12 would show the name of Gurudwara Bhaini Sahib in the column of ownership. He, thus, disputed the ownership and possession of the petitioner. He, thus, submits that it does not lie in the mouth of the petitioner to claim his ownership and the possession over the disputed land. Learned Senior counsel further submits that even otherwise the present petition has been filed seeking anticipatory bail and this Court is to appreciate the same on the basis of the parameters relevant for the adjudication of the anticipatory bail. It is submitted that FIR No.547 dated 11.08.2024 (Annexure P-8) has been lodged by the petitioner side just to save their skin from the murderous attack, they opened on the complainant side. He submits that perusal of the FIR No.547 dated 11.08.2024 (Annexure P-8) on the face of it would show that these are some petty offences but there are many injured on the complainant side, who have received injuries which were

grievous and dangerous to life whereas there are hardly any injured on the petitioner side. He vehemently disputes that the petitioner side was the aggressor. He submits that from the facts and circumstances of the case it is evident that the complainant side was not the aggressor. He submits that in the facts and circumstances of the case, it is evident that contention raised by the learned counsel for the petitioner that they had acted in self-defence, is highly misconceived. It is submitted that by no stretch of imagination petitioner is entitled for the grant of anticipatory bail.

6. Learned State counsel had equally opposed the submissions made by learned counsel for the petitioner. He had drawn the attention of this Court to the status report dated 06.07.2025 filed by way of affidavit of Mr. Sanjeev Kumar, HPS, Deputy Superintendent of Police, Ellenabad, Sirsa. He submits that the present incident is an outcome of the land dispute between two religious institutions under two different Deras namely Dera Jiwan Nagar and Dera Bhaini Sahib. On account of this land dispute, the present occurrence had taken place. He submits that on registration of the FIR No.548 dated 11.08.2024 (Annexure P-1), the injured were medically examined and as per the MLR (Annexures R-1 to R-8), there are 08 injured from the complainant side, which is as follows:

- (i). MLR No.PY/1573/08/2024 (Karan Singh) shows four (04) injuries.
- (ii). MLR No.PY/1570/08/2024 (Karamjit Singh) shows two (02) injuries.
- (iii). MLR No.PY/1566/08/2024 (Dhayan Singh) shows three (03) injuries.
- (iv). MLR No.PY/1568/08/2024 (Sahab Singh) shows four (04) injuries.
- (v). MLR No.PY/1572/08/2024 (Gurdeep Singh) shows five (05)

injuries.

(vi). MLR No.PY/1569/08/2024 (Kuldeep Singh) shows one (01) injury.

(vii). MLR No.PY/1571/08/2024 (Sukhchain Singh) shows two (02) injuries.

(viii). MLR No.PY/1567/08/2024 (Prem Singh) shows four (04) injuries.

7. Learned State counsel further submits that on receiving the information about the incident taken place, ASI, Prithvi Singh along with his team reached at the place of the occurrence. About 40-50 persons were found standing in the field on Santa Wali Road and about 20-22 persons were standing on the backside of the Dera Jiwan Nagar. Many of the persons were armed with weapons. The persons standing on the gate of Dera fired shots, which hit the front side of the government vehicle-cum-Bolero. The fires not only hit the government vehicle, but it also hit some of the persons of opposite party namely Karan Singh, Dhyan Singh, Gurdeep Singh, Sahil Singh and Kuldeep Singh. During investigation, ASI, Prithvi Singh recorded the statements of the injured on 15.08.2024. He has drawn attention of this Court to para No.12 of the status report and submitted that as on date there total 22 accused in the present FIR, which are as follows:-

- i) Gurdev Singh alias Kanda s/o Joginder Singh
- ii) Gian Singh s/o Gurdev Singh Kanda
- iii) Maha Singh s/o Mukhtiar Singh Munshi
- iv) Savinder Singh @ Balla Barandia s/o Teja Singh
- v) Surjit Singh s/o Sahab Singh
- vi) Gurdev Singh Nasoria s/o Birsa Singh
- vii) Jagdev Singh Panch s/o Mohan Singh

- viii) Doctor Ranjit Singh UP Wala s/o Unknown
- ix) Balkar Singh s/o Darshan Singh
- x) Harvinder Singh @ Mithu s/o Baldev Singh (Petitioner)
- xi) Harpal Singh son of Harvinder Singh
- xii) Harpej Singh @ Peja Driver s/o Harbans Singh
- xiii) Karnail Singh s/o Ginder Singh
- xiv) Harvinder Singh @ Hira s/o Gulzar Singh
- xv) Gurej Singh @ Kaka s/o Nianjan Singh
- xvi) Kuldeep Singh s/o Ajit Singh
- xvii) Jaspal Singh s/o Mahender Singh
- xviii) Major Singh s/o Kishan Singh
- xix) Narender Singh
- xx) Baljit Singh s/o Jagjit Singh
- xxi) Gurdeep Singh s/o Ajmer Singh
- xxii) Hardewinder Singh @ Jinda s/o Harvel Singh

Out of these 22 accused, 11 have been arrested. Learned State counsel further submits that investigation is under progress. The CCTV footage etc. has been taken into possession. The offence committed is of grave nature. It is submitted that both the hands of the injured Dhyen Singh have been amputated due to the injuries suffered and no case is made out for granting anticipatory bail to the petitioner. Learned State counsel has additionally submitted that after the occurrence of this incident, a receiver has been appointed over this land and presently the possession of the property is with the receiver.

8. After hearing learned counsel for the parties and perusing the available record, it is deciphered that from the arguments advanced by both the

sides the occurrence in question has not been denied. The thrust of the argument advanced by both the sides is to the effect that both are claiming that the other side was aggressor. The dispute over the possession of the land is also evident from the record produced before the Court. However, this Court while dealing with the petition in hand would refrain from commenting anything regarding the same. The litigation before the revenue authorities is already pending adjudication. Thus, this case would lie within the domain of the concerned Courts. Both the sides have lodged FIR(s) against each other. Perusal of the record shows that the petitioner was named in the FIR and he has been allegedly armed with a fire arm weapon. There are specific allegations against the petitioner that one of the injured namely Dhyan Singh suffered the injuries at the hands of the petitioner and on account of the same, both the hands of Dhyan Singh had to be amputated. Whether the petitioner acted in self-defence or not, is purely a matter of trial. The perusal of the MLR would reflect that 08 persons suffered injuries in the present case. Though, the challan has been presented against some of the accused but in all there are 22 accused and the investigation qua rest is said to be under progress.

9. For the consideration of anticipatory bail, The statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482 “Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *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.”*

10. Hon'ble Supreme Court in State represented by ***CBI Vs. Anil Sharma, (1997) 7 SCC 187*** has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

11. Hon'ble Apex Court in plethora of judicial precedents including ***Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632***, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused

tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

12. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

13. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

14. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

10.07.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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