

2025:PHHC:079664



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

**CRM-M-34569-2025
DECIDED ON: 07.07.2025**

GURJANT SINGH AND ANOTHER**.....PETITIONERS****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Vikas Gupta, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioners in FIR No.92, dated 04.06.2025, under Sections 109, 351(3), 191(3) and 190 of BNS, 2023 and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1).

2 Contention**On behalf of the petitioners**

Learned counsel for the petitioner submits that the petitioners have been falsely implicated in the present case. Moreover, neither any injury nor any specific overt act has been attributed to the present petitioners. The only role attributed to them is that he was present in the behak of Jujbir Singh and not in the

fields. The attention of this Court has been drawn to an order dated 04.07.2025 passed in CRM-M-34290-2025 vide which similarly situated co-accused Karaj Singh has already been granted the concession of anticipatory bail by this Court.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jastej Singh, Addl. AG, Punjab accepts notice on behalf of respondent/State and Mr. Amit Arora, Advocate has put in appearance on behalf of complainant and filed his memo of appearance, which is taken on record. It is argued that all the accused persons were armed with their respective weapons and started firing towards the complainant party and one bullet hit to Prabhdeep Singh, which hit on his neck and ear, which is sufficient to infer that they were having intention to kill.

3. **Analysis**

Having given due consideration to the submissions made above, particularly the fact that the present FIR was lodged at a later stage, it appears that the dispute essentially revolves around the possession of Panchayat land. It is pertinent to note that a civil suit has already been instituted by the co-accused, seeking a declaration against the Gram Panchayat of Village Chela. The suit is accompanied by an application for interim relief, asserting ownership and possession of the suit land measuring 30 kanals and 11 marlas on the basis of adverse possession. A prayer for a permanent injunction has also been made to restrain defendants No. 1 to 4 from dispossessing the co-accused and his father from the said land.

The record further indicates that the civil court, vide order dated 31.05.2023 (Annexure P-2), has directed the parties to maintain status quo. Additionally, Sarpanch Prabhdeep Singh, one of the injured in the alleged incident

has instituted proceedings before the Collector-cum-DDPO, Tarn Taran, alleging that Mahinder Singh (co-accused and son of Chanan Singh) is in illegal possession of the Panchayat land.

In light of the above, it *prima facie* appears that the dispute pertains to the possession of the Panchayat land, which is already *sub judice* before the competent civil court. The timing and context of the FIR suggest that it cannot be ruled out as a counterblast, possibly intended to exert pressure on the petitioners and their family as a means of arm-twisting. Moreover similarly situated co-accused Karaj Singh has already been granted the concession of anticipatory bail by this Court vide order dated 04.07.2025 passed in CRM-M-34290-2025.

This Court, therefore, finds no cogent or convincing reason to deny the petitioners the concession of bail, particularly when they have expressed his *bona fide* intention to join the investigation and cooperate with the authorities to facilitate timely completion of the investigation and submission of the final report.

As for the argument advanced by the learned State counsel, assisted by the counsel for the complainant, regarding the alleged intent to kill, the said contention remains a matter to be adjudicated upon based on evidence at trial. Furthermore, a significant question arises as to the presence of the complainant and others at the spot at the relevant time, which appears to be deliberate and with intent. These issues are to be examined during the course of the trial.

4. **Relief:-**

Hence, the petitioners are directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to her satisfaction. The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 do not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

07.07.2025

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Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No