

2025:PHHC:079330



107/2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34290-2025

DECIDED ON: 04.07.2025

KARAJ SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr Raghav Soni, Advocate for
Mr. Vikas Gupta, Advocate
for the petitioner.

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 petitioner 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. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Lakbhir Singh S/o Gurbakhsh Singh resident of Chella, Police Station Bhikhiwind, aged about 50 years, Mobile No. 90560-69197 states that I am resident of abovementioned address and a former member of the Village Panchayat and do work of agriculture. In our village, there is panchayat land measuring approximately four acres which has been forcibly and illegally occupied by Jujbir Singh S/o Mahinder Singh, resident of Chella, for the past 10-12 years. Our

village panchayat had regained this land. That on 03.06.2025, time would be around 4:15 to 4:30 PM, I along with the village panchayat members including Sarpanch Prabhdeep Singh S/o Charanjit Singh, Surjit Singh Bhullar (former Sarpanch) S/o Gurpal Singh, Palwinder Singh (Panch) S/o Hardyal Singh, Ranjit Singh (Panch) S/o Joginder Singh, Sarbjit Singh S/o Sardool Singh, and Jarnail Singh (Panch) S/o Salwant Singh went to inspect the village panchayat land. At that time, Jujbir Singh S/o Mahinder Singh along with Jujhar Singh S/o Jujbir Singh armed with a kirpan, Mahinder Singh S/o Chanan Singh, Gurjant Singh S/o Joginder Singh armed with a kirpan, Inderbir Singh and Satnam Singh armed with datar resident of Chella and Karaj Singh armed with datar resident of Maluwal, Police Station Jhabal, Ranjot Singh @ Jota S/o Sarbjit Singh, resident of Basarke, Police Station Khalra, Kuldeep Singh @ Shera S/o Balkar Singh, resident of Pehlwan Ke, Bhajan Singh S/o Bahal Singh resident of Kamalpur, Ramit S/o Kuldeep Rai resident of Bhikhiwind, and about 10-15 other unidentified individuals armed with rods and kirpans were already present in the behak of Jujbir Singh. When we reached near the panchayat land, we saw that Jujbir Singh by watering the land was unlawfully sowing paddy in the panchayat land. When we tried to stop him from doing so, then Mahinder Singh raised lalkara and said that teach a lesson to the village panchayat for regaining land and not allowing us to sow paddy. In the meantime, Jujbir Singh brought a 315 bore rifle from his house and started firing at us with the intention to kill. The bullets went above the head and one fire shot hit the neck and ear of Sarpanch Prabhdeep Singh then we raised alarm of 'Maar Dita Maar Dita' then all the accused alongwith their weapons and in their car bearing No. PB46AJ4346, while giving threats ran away from the spot. We arranged the vehicle and took injured Sarpanch Prabhdeep Singh and admitted him to Private Simran Hospital, where he is under treatment. The reason behind grudge is that our village panchayat had regained the illegal possession of panchayat land from JujbirSingh and had stopped him from further cultivation. Jujbir Singh has committed a serious crime

by firing upon Sarpanch Prabhdeep Singh and others with an intent to kill. Legal action should be taken against all of them and justice be delivered to us. I alongwith panchayat were coming to you and you met us. Statement has been recorded, heard, read and is correct. I am claimant. Sd/- Lakhbir Singh abovesaid. Witness Sd/- Palwinder Singh 9876576900. Witness Sd/-Ranjit Singh 9855923356. Attested Sd/- Manoj Kumar INSP, SHO Police Station Bhikhiwind. Dated 04.06.2025”

3. **Contentions**

On behalf of the petitioner

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

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.

4. **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, who is also the father of the petitioner, 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 petitioner and his father from the said land.

The record further indicates that the civil court, vide order dated 31.05.2025 (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 petitioner and his family as a means of arm-twisting.

This Court, therefore, finds no cogent or convincing reason to deny the petitioner the concession of bail, particularly when he has 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.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner 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 petitioner does 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

04.07.2025

Sham

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No