

CRM-M-34652-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.206

Case No. : CRM-M-34652-2025

Decided On : September 30, 2025

Kamaldeep Sharma

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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Present : Mr. Amit Kumar Saini, Advocate
for the petitioner.

Mr. P. S. Pandher, AAG, Punjab.

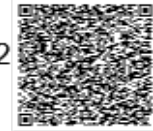
Mr. P. S. Hundal, Advocate
for the complainant.

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SUKHVINDER KAUR, J. :

Prayer in the present petition, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is for grant of anticipatory bail to the petitioner in FIR No.0113 dated 14.06.2025, under Sections 329(3), 318(4), 61(2), 62 of the Bharatiya Nyaya Sanhita (BNS), 2023, registered at Police Station Sadar Jagraon, District Ludhiana (Rural).

Briefly, the prosecution version is that the aforesaid FIR was lodged by one Deepak Kumar Markan, who is an NRI and a doctor by profession. He was living in England since 2006. He purchased a plot measuring 01 kanal 2.5 marla, vide registered sale deed dated 16.01.2006. On the front side of the plot, there is area of 24 feet x 30 feet and on the back side, there is 60 feet x 90 feet area. After purchasing the said plot, the complainant also raised one foot high boundary wall around the plot. However, it has been alleged in the FIR that the petitioner and other co-



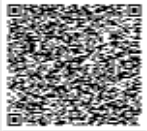
accused encroached the said plot by constructing a boundary wall over the area of 13 feet x 120 feet and a small room of 10 feet x 5 feet, which was there on the plot in south-west corner, was also stated to be taken over and locked by the petitioner. With the aforesaid allegations, FIR in hand was got registered.

Learned counsel for the petitioner contended that the present dispute is purely civil in nature but has been given colour of criminal prosecution. The allegation levelled against the petitioner that he had tried to encroach upon the property of complainant has not been proved as per the revenue record itself. It has further been stated that both – the petitioner and the complainant are having separate properties and both of them have no right, title or interest qua each other's property. Learned counsel further submitted that the complainant is an influential person and is giving threats to the petitioner. Rather, he is trying to take forcible possession of the property belonging to the petitioner. Learned counsel has urged that the petitioner is not required for any interrogation and no recovery is to be effected from him. He has, therefore, prayed that the petitioner be granted concession of anticipatory bail.

Learned State counsel opposed the present bail petition, while submitting that the allegations levelled against the petitioner are that he had tried to take forcible possession of the complainant's property. So, inquiry is to be made from the petitioner about such occurrence, for which his custodial interrogation is required. In these circumstances, the petitioner does not deserve concession of anticipatory bail.

Heard.

The dispute in hand pertains to encroachment upon the land, which appears to be of civil nature. The allegation qua the petitioner is that



he had tried to take forcible possession of the land of the complainant. Complicity of petitioner is a matter of trial. The petitioner is not having any criminal antecedents and no other criminal case has been registered against him, as per the Status Report. The custodial interrogation of the petitioner is not required for any purpose and nothing is to be recovered from him. So, no useful purpose would be served by sending the petitioner behind the bars.

Accordingly, without commenting on the merits of the case, the present petition is allowed. In the event of arrest, the petitioner is ordered to be released on bail, on furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard. The petitioner shall also abide by the conditions mentioned in Section 482(2) of the BNSS.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

Pending application(s), if any, shall stand disposed of along with the present petition.

September 30, 2025
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(SUKHVINDER KAUR)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.