



102

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

**CRM-M-59803-2025 (O&M)
DATE OF DECISION: 23.10.2025**

HARPREET SINGH @ HAR**...PETITIONER****Versus****STATE OF PUNJAB****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Ms. Sushma Chopra, Advocate for the petitioner(s).
Mr. Rajiv Verma, Addl. A.G, Punjab.

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

This petition has been filed under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) for the grant of anticipatory bail in FIR no.173 dated 27.11.2024 u/s 329(3), 303(2), 351(3), 324(5), 191(3), 190 BNS, 2023 and Section 25, 27 of Arms act registered at PS Makhu, District Ferozpur, (Annexure P-1).

2. Contentions**On behalf of the petitioner**

Learned counsel for the petitioner submits that the land in question has been under long-standing civil litigation. It originally belonged to Bhagwan Devi, who died in 1964, and has since remained in possession of Darshan Singh, grandfather of the petitioner. Various proceedings before the Financial Commissioner and this Court culminated in orders dated 25.02.2002 and 05.01.2011. The Naib



Tehsildar, Makhu, had recorded the Girdawri of the disputed land in favour of Gurmeet Singh (father of the petitioner) on 31.12.2024, which was later remitted for reconsideration by the SDM, Zira, on 14.02.2025 after challenge by the complainant.

He would further submit that despite knowing about the pending surplus proceedings, the complainant purchased the land in 2016. After the present FIR, another FIR No. 36 dated 13.04.2025 was registered, in which the petitioner has already been granted anticipatory bail. It is asserted that the FIRs have been lodged under political pressure. It is further urged that since no firearm was used, hence offences under Sections 25 and 27 of the Arms Act are not attracted.

Learned counsel for the petitioner undertakes on behalf of the petitioner that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that there are 9 other FIRs i.e. FIR 41 dated 28.04.2016 under Sections 379, 216 of IPC, FIR No.77 dated 18.06.2019 under Sections 447, 511, 336, 506, 149 of IPC and Section 25, 27 of Arms Act, FIR No.77 dated 26.05.2022, under Sections 325, 354, 323, 447, 511, 427 of IPC, FIR No.96 dated 21.06.2022, U/s 307, 447, 511, 427, 148/149 of IPC and U/s 25, 27 of Arms Act, FIR No.51 dated 03.06.2016 U/s 354, 351/149

of IPC, FIR No.29 dated 22.09.2022 U/s 25(i) of Arms Act and U/s 10, 13, 18,20 of UAPA Act, FIR No.58 dated 11.04.2023 U/s 379, 427, 336, 148/149 of IPC and Section 25,27 of Arms Act, FIR No.60 dated 15.06.2023 U/s 387 of IPC have been got registered against petitioner.

3. **Analysis**

After considering the factual matrix presented before this Court that the complainant has earlier also lodged FIRs against the present petitioner and his father i.e. FIR No. 36 dated 13.04.2025 registered under Sections 329, 303(2), 351(3), 191(3), 190 of BNS, 2023 at P.S. Makhu, District Ferozepur and they are entangled in three other FIRs the details of which is reproduced below :-

Sr. No.	FIR	Date	Offence	Police Station
1.	173	27.11.2024	303(2), 329(3), 324(5), 351(3), 191(3), 190 of BNS 2023 and Sections. 25 & 27 of Arms Act	PS Makhu, District Ferozpur
2.	29	22.09.2022	25, 27 of Arms Act and 10, 13, 18 & 20 of UAP Act	SSOC, District Amritsar
3.	143	07.09.2022	25 of Arms Act and 120 of IPC	Majithhia Road, Amritsar

Though this very fact has been further aggravated by learned State Counsel who points out that there are 9 other FIRs in which the petitioner is involved and while drawing the attention of this Court in one order of the Trial Court in the instant FIR the details of FIRs are as under :-

‘FIR 41 dated 28.04.2016 under Sections 379, 216 of IPC, FIR No.77 dated 18.06.2019 under Sections 447, 511, 336, 506, 149 of IPC and Section 25, 27 of Arms Act, FIR No.77 dated 26.05.2022, under Sections 325, 354, 323, 447, 511, 427 of IPC, FIR No.96 dated 21.06.2022, U/s 307, 447, 511, 427,



148/149 of IPC and U/s 25, 27 of Arms Act, FIR No.51 dated 03.06.2016 U/s 354, 351/149 of IPC, FIR No.29 dated 22.09.2022 U/s 25(i) of Arms Act and U/s 10, 13, 18,20 of UAPA Act, FIR No.58 dated 11.04.2023 U/s 379, 427, 336, 148/149 of IPC and Section 25,27 of Arms Act, FIR No.60 dated 15.06.2023 U/s 387 of IPC.'

The parties are also involved in a civil suit filed by the complainant before the learned Additional Civil Judge (Senior Division), Zira, seeking a decree of permanent injunction to restrain the petitioner from interfering in their peaceful possession over the land in question, which is alleged to have been forcibly and illegally occupied by the petitioner in the present FIR. To seek the permanent injunction against the petitioner, the complainant has further placed reliance upon Jamabandi for the year 2022-23 in village Jogewala Tehsil Zira, District Ferozepur.

Prima Facie this Court is of the view that Jamabandi is not an accurate document to establish title and possession over the property and even the Jamabandi pertains to the year 2022-23 otherwise also the learned Additional Civil Judge (Senior Division), Zira, has granted status quo in that civil suit in the month of January, 2025 as has been pointed out by learned counsel for the petitioner. If the plaintiffs/complainants were actually in possession of the land and alleged any violation thereof, they would have availed the remedy of initiating contempt proceedings against the present petitioner.

This Court has also taken into consideration the photographs placed on record as Annexure P-7, which depict the father of the



present petitioner cultivating the very same field, as asserted by the petitioner with respect to previous crop seasons. In that also, the FIR was registered on the same pattern but has been admitted to anticipatory bail vide order dated 16.05.2025 passed in CWP-27069-2025 (P-8).

At the same time, this Court observes that learned counsel for the complainant has failed to substantiate the allegations made in the FIR regarding the alleged posting of certain photographs on Instagram depicting 14–15 persons, including the present petitioner, carrying arms and purportedly harvesting the crops on the land in question forcefully. Such allegations can only be established before the Trial Court through leading proper evidence. This Court further notes that, considering the peculiar facts and circumstances of the case, particularly the fact that in previous crop seasons, the petitioner had peacefully harvested the crops and, at that time, an FIR was registered in which only his father was an accused who was later granted anticipatory bail. This Court cannot ignore the possibility of the petitioner being in peaceful possession of the land which is why, even the Civil Court, while directing the parties to maintain *status quo*, did not record any conclusive finding regarding possession over the land in question.

In view of the discussion made herein above, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.



4. Relief

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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-

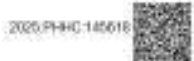
(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(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 one week, the order passed by this Court today shall automatically stand cancelled.



The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

23.10.2025
anuradha

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