



CRM-M-62156-2025

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

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CRM-M-62156-2025 (O&M)

Vikas Garg

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 04.12.2025**Date of Uploading : 04.12.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Dr. Rau P.S. Girwar, Advocate and
Ms. Archana Rau & Ms. K.T Rau, Advocates for the petitioner.
Mr. Adhiraj Singh Thind, AAG Punjab.
Mr. Abhinav Gupta, Advocate with
Mr. Jatinder Kansal, Mr. Aditya Sharma and Mr. Sanchit Garg,
Advocates for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS')
for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR
No.180 dated 04.10.2025, registered for the offences punishable under
Sections 333, 126(2) and 3(5) of BNS 2023, at Police Station City Rampura,
District Bathinda

2. The gravamen of the FIR in question reflects to an incident
alleged to have occurred during the night intervening, 17-18 May 2025, at a
covered veranda situated in Kachehri Bazaar, Rampura. The veranda is
stated to be used by residents of the locality as well as by nearby shop
owners for ingress and egress to their respective properties. Owing to this
shared usage, the disputed veranda is treated as public property. The issue

came to light when Manjit Singh, who owns a shop adjacent to the veranda



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and has gates opening into it, lodged a complaint. He alleged that Vikas Garg (petitioner herein), Satya Devi, Ravi Kumar and some unknown persons had blocked the entrance to the veranda by erecting a temporary gate, despite the fact that a civil dispute regarding the same subject was already pending adjudication. According to the complainant, the accused had previously attempted to erect a gate but were prevented from doing so and these incidents were recorded by the police in GD No.33 dated 09.10.2022 and GD No.39 dated 21.07.2023 for offences under Section 427 IPC. It was further alleged that the accused had been threatening him with false cases and causing serious harm. After receiving the complaint, the SSP Bathinda asked the DSP, Sub Division Rampura, to check whether any cognizable offence had been committed. A detailed inquiry was thereafter conducted, wherein the inquiry officer concluded that the veranda had indeed been used by residents for access to their properties and the accused had blocked it while falsely claiming it was their private property. On this basis, a formal FIR under Sections 333, 126(2) and 3(5) of the BNS was registered.

3. Learned counsel for the petitioner has iterated that the present FIR is false, fabricated and a result of personal enmity. Learned counsel has further iterated that the covered veranda in dispute is a private property and does not constitute a common passage for the public or any inhabitant except the petitioner and one Ashok Kumar. Learned counsel has further submitted that the complainant has a history of creating false and fabricated documents as earlier also he had allegedly misused a letter of the Municipal Corporation, Rampura Phul to portray the area as a common passage.



BNS is not attracted in the present case as the property indisputably belongs to the petitioner and the police have mechanically invoked this section merely to convert a civil dispute into a cognizable criminal case. Furthermore, the property dispute between the parties has long been the subject matter of civil litigation. Despite this, the police have registered a criminal case to pressurize the petitioner. According to learned counsel, the entire matter is document based and all relevant records are already in official custody leaving no scope for tampering. Learned counsel has further submitted that the FIR has been lodged after undue and unexplained delay which indicate afterthought and mala fides. It has been further submitted that the petitioner is innocent and has been falsely implicated in the present case owing to a long-standing dispute between the parties. Learned counsel asserts that in the instant case, the FIR fails to include material facts, which further raised questions about its credibility and fairness. Moreover, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the strength of these submissions, the grant of instant petition is entreated for.

4. *Per contra*, the learned State counsel has opposed the grant of anticipatory bail to the petitioner on the ground that allegations against him are grave and serious in nature involving house trespass. Referring to reply by way of an affidavit of Manoj Kumar, PPS, Deputy Superintendent of Police, Sub-Div Phul, District Bathinda relevant whereof reads as under:

“2. That petitioner Vikas Garg suffered statement on 25.08.2014 before Ld. Court of Sh. Daleep Kumar Civil Judge (Jr Div) Phul in CS 128 of 2011 and Ld. Court was pleased to pass order on same day 25.08.2014 which is reproduced as follows:



“Parties are bound to remain by their statements suffered in the court today. File be consigned to record”.

3. That after suffering statement before Judicial Magistrate in court, petitioner Vikas Garg again attempted to occupy the common passage in 2019. As a result, complainant Manjit Singh filed CS 470 of 2019. Ld. Court was pleased to pass order on 15.11.2019 to maintain status-quo regarding common passage, doors, windows and water drains of the building of plaintiff.

4. That on 09.10.2020, petitioner again attempted to illegally occupy common passage and same is recorded vide DDR 33 dated 09.10.2020 PS City Rampura. Also, an FIR no 09 of 2022 u/s 82 of Registration Act 1908 was lodged against petitioner. The petitioner was granted bail by Addl District Judge Bathinda on 11.02.2022 on conditions that they would not directly or indirectly make any inducement or threat to any person acquainted with the facts of the case.

5. That subsequently petitioner has broken all the steps of three rooms inside common passage which is recorded vide DDR no 39 dated 21.07:23 PS CityRampura District Bathinda. On intervening night of 17-18 May 2025, petitioner illegally occupied common street and three private rooms of complainant, and has not allowing anyone to go inside since then.

6. That petitioner has blocked ingress and egress of common passage and has illegally occupied the said property. Therefore, petitioner has retracted from the statement given on 25.08.2014.”

Learned State counsel has raised submission in tandem with the aforesaid reply and has further iterated that the petitioner has repeatedly violated the undertakings, status-quo orders and bail conditions. Furthermore, the actions of the petitioner show a pattern of illegal obstruction and encroachment. Given the antecedents and the history, there is strong likelihood that if petitioner is granted the concession of anticipatory bail, he will again interfere in the investigation, influence the witnesses and continue illegal occupation. Considering the repeated attempts to alter physical structures, remove steps occupy rooms, erect gates



to ascertain the full scope of illegal possession as also to identify the accomplices involved. On the strength of these submissions, the dismissal of the instant petition is prayed for.

5. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner by raising submissions in tandem with the learned State counsel. Referring to its reply dated 12.11.2025, learned counsel has iterated that the land in dispute forms part of the Old Nabha Riyasati Property, where the entire market structure of the city was historically planned in a uniform manner. Between every cluster of three properties, a common passage/street has been left for public utility, movement, ventilation and access. According to learned counsel, the petitioner alongwith other co-accused unlawfully trespassed into the property owned and possessed by the complainant and installed an iron gate on the common passage. Learned counsel has further submitted that this was deliberately done to wrongfully restrain the complainant from peaceful enjoyment and ingress/egress of his property. Furthermore, the obstruction was created on the false pretext of private ownership based on a forged and fabricated site plan prepared at the best of the accused. According to learned counsel, the petitioner has repeatedly violated the civil and administrative orders and has no respect for the law.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022***, relevant



“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

75. Observing that the arrest is a part of the investigation intended to secure several purposes, in **Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]** , it was held as under : (SCC p. 313, para 19)

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

76. In **SiddharamSatlingappaMhetre v. State of Maharashtra [SiddharamSatlingappaMhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]**, the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact



role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to SiddharamSatlingappaMhetre [SiddharamSatlingappaMhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in Jai Prakash Singh v. State of Bihar [Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468] , the Supreme Court held as under : (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345] , State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1].)”

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In Directorate of Enforcement v. Ashok Kumar Jain [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the



applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

8. Indubitably, serious allegations have been levelled in the FIR in the FIR in question. The allegations against the petitioner reveal a continuing dispute concerning a common passage forming part of the Old Nabha Riyasati Property wherein the market layout historically provides a common passage between every three properties. The complainant has consistently claimed that the passage in question is one such common passage and this assertion stands supported not only by rough site plans but also by administration communication dated 23.04.2021 issued by the SDM, Rampura Phul categorically stating that the land in dispute is indeed a common passage and any obstructions created therein must be removed. It is not in dispute that the petitioner suffered a statement before the Court below on 25.08.2014 in Civil Suit No.128 of 2011, on the basis of which the Court directed the parties to remain bound by their undertakings. Despite this, repeated attempts were allegedly made by the petitioner to take illegal possession of the common passage. Further, the petitioner allegedly removed steps of three rooms situated in the passage and during the intervening night of 17/18 May 2025 allegedly installed an iron gate, forcibly blocking ingress and egress not only of the complainant but of the entire cluster of Riyasati properties.

9. In the considered opinion of this Court, the conduct of the petitioner over the years demonstrates repeated interference with the said



passage despite judicial and administrative orders. Furthermore, the petitioner had earlier suffered a statement before the Civil Judge (Junior Division), Phul on 25.08.2014 in Civil Suit No. 128 of 2011 wherein he undertook not to disturb the common passage. However, in disregard of his own undertaking as also further attempts made in the year 2019, the Court was left with no option but vide order dated 15.11.2019 granted *status quo*. Furthermore, the incidents recorded in DDR No. 33 dated 09.10.2020 and DDR No. 39 dated 21.07.2023 shows further obstruction and dismantling of structures by the petitioner. Recently, during the intervening night of 17/18 May 2025, the petitioner has installed an iron gate and illegally occupied the common street and the rooms of the complainant which completely blocked the ingress and egress and *prima facie* shows a continued and deliberate pattern of encroachment.

10. Furthermore, the material on record further reflects that the petitioner alongwith co-accused has executed registries dated 03.12.2020 regarding both the common passage and the land of the complainant on the strength of a forged and fabricated site plan. The investigation in FIR No. 09 of 2022 led to addition of offences relating to forgery, cheating and impersonation and the challan stands presented. These allegations, supported by documentary material seized during investigation, cannot be ignored at this stage while considering the plea for concession of anticipatory bail. The cumulative conduct of the petitioner reflects that the civil proceedings and even Court undertakings have no deterrent effect upon him. In these circumstances, the contention that the dispute is purely civil in nature and that the custodial interrogation is unnecessary does not appear to



preparation and use of forged documents, illegal alteration of physical structures, occupation of common property during nighttime and repeated breach of judicial orders, warrants a thorough investigation that cannot be effectively carried out without the custodial interrogation of the petitioner. This Court cannot also ignore the prior conduct of the petitioner in violating the undertakings and directions which raises a reasonable apprehension of tampering with evidence or influencing witnesses in case he is enlarged on anticipatory bail. No cause nay plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the petitioner has repeatedly made attempts to alter physical structures, remove steps, occupy rooms, erect gates and blocked passage used by the complainant and other inhabitants.

11. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioners. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioners, as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri)*



“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

12. Considering the gravity of the allegations, the pattern of conduct attributed to the petitioner and the material collected so far, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

13. In view of the prevenient ratiocination, it is ordained thus:
- (i) The instant petition is devoid of merits and is hereby dismissed.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

December 04, 2025
Ajay

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