



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

120

CRM-M-63888 of 2025 (O&M)

Decided on : 27.11.2025

Kuljit Singh and others

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

PRESENT: Mr. Anurag Chopra, Advocate for the petitioners.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. The present petition under Section 528 of BNSS for seeking direction to transfer the investigation in FIR No.0222 dated 24.10.2025, registered at Police Station Balongi, District SAS Nagar (Annexure P-1), under Sections 329(3), 324(4) of Bharatiya Nyaya Sanhita, 2023, Section 13-A of Punjab Village Common Land Regulation Act, 1961 and Section 4 of Punjab Prevention of Damage to Public and Private Property Act, 2014.

2. I have heard learned counsel for the petitioner and learned State counsel and have gone through the record.

3. Brief facts of the case are that one FIR was registered on the basis of a complaint forwarded by the Block Development and Panchayat Officer (BDPO), Mohali, alleging that the Petitioners, including Kuljit Singh, have illegally encroached upon Shamlat of Gram Panchayat land and a resolution dated 23.10.2025 has been passed by the Gram Panchayat Balongi Colony according to which the petitioners have illegally encroached upon Shamlat land. Specifically, the Petitioners were accused of putting up sheets (*chadars*) over Killa No. 24 and in front of Tubewell No. 9, and illegally cutting approximately 60 trees from land near water tank No. 1, which allegedly belonged to the Panchayat.

4. The petitioners assert their right to the land based on an Agreement to Sell dated 06.06.2025 (Annexure P-2) for land measuring 1 Kanal 7 Marlas in Khasra No. 21//14/2/2 (7-14), allegedly purchased from private owners.



Prior to the FIR being lodged, this dispute was subject to administrative review. The BDPO, Mohali, issued a notice dated 01.08.2025 (Annexure P-3) following a complaint by Kuljit Singh against the Sarpanches for misusing power and demolishing his construction. Kuljit Singh subsequently moved an application dated 02.09.2025 (Annexure P-4) to SSP, Mohali, regarding harassment and illegal encroachment by the Gram Panchayat. Thereafter, the police inquiry resulted in a report dated 30.09.2025 (Annexure P-6) submitted by the Deputy Superintendent of Police (DSP). This report examined the claims of both parties, including statements got recorded by Kuljit Singh and Makhan Singh (husband of the Sarpanch). The DSP concluded that the dispute relates to ownership of land, which is civil in nature, and advised the complainant to seek redressal before the Civil Court, concluding that no police action was warranted.

5. Learned counsel for the petitioners argued that the land comprising khasra No.21//3 has been purchased from the legal heirs of Dalip Singh namely Jarnail Singh and Jagtar Singh and daughters Amrik Kaur and Balwinder Kaur. However, the Gram Panchayat has encroached upon this land without any legal authority. Learned counsel contended that they had submitted a complaint to SSP, SAS Nagar against the Gram Panchayat and the inquiry was entrusted to DSP (Investigation) wherein both the parties were joined in the inquiry and the Investigating Officer has come to the conclusion that dispute relates to ownership of the land which is civil in nature and no police action is warranted. However, now the present FIR has been got registered with malafide intention just to harass the petitioners and they have no faith in the police of SAS Nagar and the investigation be thus entrusted to the police of some adjoining district.

6. However, no ground to interfere or to transfer the investigation to some other district is made out. As per own version of petitioners, they claim to be owner of the land in question which is allegedly in the illegal occupation of the Gram Panchayat whereas as per the present FIR, the petitioners have illegally encroached upon the Panchayat land by putting up sheets over the said land in front of Tubewell No.9. In case, the land in question is owned by the Gram Panchayat, it is a public property and even as



per own version of the petitioners, the same is in the occupation of Gram Panchayat, though stated to be illegal. The report by DSP (Investigation) cannot preclude the police from registering the FIR as he has merely given an opinion that dispute pertains to ownership and can be settled only by the Civil Court. However, in case, the petitioners have encroached upon the shamlat land, a cognizable offence is certainly made out and an FIR thus can be registered. However, if on conclusion of investigation, the allegations are found to be false, the FIR in question can certainly be cancelled by the Police but at this stage, no malafide intention can be inferred merely because an FIR has been registered. As such, no ground to transfer the investigation to the Police of adjoining district is made out and petition in hand is ordered to be dismissed.

(YASHVIR SINGH RATHOR)
JUDGE

27.11.2025

Renu

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*