



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

**CRM-M-72456-2025
Date of decision: 22.12.2025**

KIRPAL SINGH AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Naveen Sharma, Advocate
for the petitioners.

Mr. Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. Through the instant petition filed under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023, prayer is for grant of anticipatory bail to the petitioner in case bearing FIR No.204 dated 06.12.2025 registered under Sections 331(4), 305, 329(4) and 115(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 61(2) of BNS added later on) at Police Station Tibba, District Ludhiana.

2. Briefly, the present case relates to alleged forcible dispossession of tenant/complainant by the landlord/accused. On 06.12.2025, complainant-Sukhchain Singh got recorded his statement to the effect that he was engaged in the business of generator repair and sale/purchase, and purchased the shop in question (measuring 12 square yards, situated at Street No.9, Main Road, opposite Vishal Telecom, New Shakti Nagar, Ludhiana) from the owner



Taruna in the year 2021 for a sum of Rs.7,50,000/-. Prior to this, the complainant had been occupying the said shop as a tenant since 2009, and from the very beginning he has been carrying on the work of motor and generator repair and sale/purchase of old generators. Taruna had purchased the 12 square yards shop from Hajura Singh and Hajura Singh had purchased it from Ajit Singh. The shop was purchased on the basis of an agreement and the sale deed was to be got executed by the shop owner. However, contrary to this, the sons of Ajit Singh got the equal shares registered at two places in the year 2015. Gurdial Singh (petitioner No.2), as per law, was required to get the sale deed executed in his favour, but instead allegedly petitioner No.2-Gurdial Singh got the sale deed executed in his own name in the year 2015. Now, the petitioners-Kirpal Singh and Gurdial Singh have entered into an agreement to sell all this land along with the shops, measuring about 266 square yards, to someone, and for this very reason, they have forcibly taken possession of his shop and that of Dr. Harjap Singh Duggal. On the intervening night of 04-05/12/2025, Kirpal Singh and Gurdial Singh (petitioners), along with their other unknown associates, broke open all the locks of the shutter of his shop and stole the articles lying therein. When the complainant reached the spot, he saw that his shop was completely empty, and petitioner No.2-Gurdial Singh had put up a board of his "Sattu Grocery Store" outside the shop, and with the intention to take illegal possession, grocery items as well as a refrigerator and a counter etc., were placed inside the shop by petitioners/accused. The complainant asked petitioner No.2-Gurdial Singh why he had done all this and in the meantime, petitioner No.1-Kirpal Singh also arrived, and both the petitioners started abusing him and pushed him out of the shop, and thereafter,



the complainant was given blows by both the petitioners. Petitioners are also alleged to have broken the locks of the shop situated at the other corner, belonging to Dr. Harjap Singh Duggal (Duggal Clinic) and stole all the articles lying inside and took illegal possession of the shop. Hence, the FIR was registered.

3. Learned counsel for the petitioners contended that petitioners are registered owner of two shops which were earlier occupied by the complainant and another person Harjap Singh on rental basis; in last week of November 2025, the said shops were vacated by the tenant/complainant and Harjap Singh; once the shops were vacated, they were put to use by the petitioners by opening a grocery shop therein; there is a civil litigation pending between the parties regarding the land in dispute and when the complainant and Harjap Singh failed to secure any injunction from the civil Court, they forcibly broke open the locks of the shops and stole the articles lying therein in broad day light and lodged a false FIR against the petitioners on the basis of aforementioned theft (pictures thereof are attached with the paper-book as Annexure P-2); the present case is fake and concocted, and has been registered against petitioners because they were siding with an opponent of complainant in a litigation against him. The petitioners are ready to join investigation and co-operate with the investigating agency. As such, learned counsel prayed for grant of anticipatory bail to the petitioners.

4. Mr. Chandan Singh Rana, Advocate has put in appearance on behalf of the complainant and filed his power of attorney. The same is taken on record



5. Learned State counsel appeared on advance notice and assisted by learned counsel for the complainant submitted that the allegations against the petitioners are serious in nature as they have committed theft of articles of the complainant worth a huge amount; their custodial interrogation is required for recovery of the stolen articles. As such, learned State counsel prayed for dismissal of the present petition.

6. Heard.

7. Keeping in view the facts and circumstances of the case and the fact that the complainant was tenant of shop in question since 2009 and also entered into agreement to sell after payment of earnest money of Rs.7,50,000/- and there is civil litigation pending between the parties; the allegation against the petitioners is that they forcefully and unlawfully dispossessed the complainant and stole articles from the shop in question; same are yet to be recovered and their custodial interrogation is required for recovery of stolen property, hence, the petitioners are not entitled to the relief of anticipatory bail in view of law laid down by the Hon'ble Supreme Court in case titled as '***CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806***' decided on 03.08.1997, wherein the importance of custodial interrogation has been emphasized by holding that many useful informations and concealed materials may be elicited from a suspect in custody, rather than from a suspect who is well-protected by an order of anticipatory bail, in which case, interrogation may be reduced to a mere ritual.

8. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.



9. Nothing observed hereinabove shall be construed as an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

December 22, 2025
manisha

(SUBHAS MEHLA)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No