

CRM-M-12782-2026

2026:PHHC:036483



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
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Gurmeet Singh and others

....Petitioners

versus

State of Punjab

....Respondent

Date of decision: March 10, 2026

Date of Uploading: March 10, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. P.K.S. Phoolka, Advocate for the petitioners.

Mr. Hemant Aggarwal, DAG Punjab.

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SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya  
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (old Section 438 of the Cr.  
P.C.) seeking grant of anticipatory bail to the petitioners, in case bearing FIR  
No.15 dated 14.02.2026, under Sections 324(4), 329(3), 305(a) of the BNS,  
2023 (old Sections 427, 447, 380 of the IPC), at Police Station Joga, District  
Mansa.

2. The gravamen of allegations against the petitioner is that  
complainant, namely, Jagjit Singh stated in the month of November 2025, his  
neighbour Ram Singh son of Gurjant Singh informed him that brother of the  
complainant, namely, Gurmeet Singh (*petitioner herein*) and his nephews  
Inderjit Singh and Manjit Singh (*petitioner herein*) were demolishing the house  
situated in his fields and were loading the debris (*malba*) of the house along  
with the articles lying therein onto their tractor trolley, which incident was  
witnessed by the said Ram Singh.

Upon receiving this information, the complainant went to his fields and found that several articles from his house were missing. When he questioned the accused persons regarding the same, they avoided the matter on one pretext or another. It was further alleged that the accused persons had also encroached upon a portion of his land and taken possession of it. The complainant further stated that till now the Panchayat had been trying to effect a compromise between the parties, however, the accused persons have neither returned his articles nor vacated the land illegally occupied by them.

3. Learned counsel for the petitioners has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioners are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the dispute in question is purely of civil nature, but the complainant has deliberately given the same a criminal colour. Learned counsel has argued that there is unexplained delay in lodging the FIR in question.

3.1. Learned counsel asserts that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Learned counsel has asserted that nothing is to be recovered from the petitioners. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioners are ready to join the investigation and, hence, no useful purpose would be served by sending them behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioners by arguing that there are specific allegations

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against the petitioners. Given the seriousness of the offence, there exists a substantial likelihood that the petitioners may abscond or tamper with the evidence, if they are enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioners is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. On these submissions, dismissal of the present petition is entreated for.

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

6. As per the prosecution case, serious allegations have been levelled against the petitioners. As per the version put forth by the prosecution, the petitioners in furtherance of their common intention illegally demolished the house of the complainant situated in his agricultural fields and removed the debris along with the articles lying therein by loading the same on their tractor trolley. It is further the case of the prosecution that the petitioners have also encroached upon a portion of the land belonging to the complainant and have taken unlawful possession of the same. The acts attributed to the petitioners, *prima facie*, indicate deliberate trespass, mischief and illegal dispossession of the complainant from his property, thereby causing substantial loss to him.

7. The petitioners have been specifically named in the FIR. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioners have been falsely implicated into the present FIR.

8. 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. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. 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 petitioner, as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*], the Supreme Court held as under : (SCC p. 189, para 6)

*“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.”*

8.1. In view of the gravity of the allegations, the specific role attributed to the petitioners, and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioners do not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioners is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

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9.            Nothing said hereinabove shall be deemed to be an expression of  
opinion upon merits of the case/investigation.
10.           Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)  
JUDGE

March 10, 2026  
mahavir

Whether speaking/reasoned:            Yes/No

Whether reportable:                      Yes/No