



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.2057 of 2016

Manpreet Singh and others
Vs.
State of Punjab and another

.....petitioners

.....Respondents

1.	Judgment reserved on	28.01.2026
2.	Judgment pronounced on	27.04.2026
3.	Judgment uploaded on	28.04.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	Full
5.	The delay, if any of the pronouncement is full judgment and reason thereof.	Nil

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued By:-Mr. A.P.S. Deol, Sr. Advocate with
Mr. Vishal Rattan Lamba, Advocate and
Ms. Dilpreet Kaur, Advocate
for the petitioners.

Mr. Ishan Kaushal, AAG, Punjab.

Mr. Siddharth Gupta, Advocate
for respondent No.2.

Yashvir Singh Rathor, J.

1. This revision petition is directed against the order dated 29.04.2016 passed by the Court of Additional Sessions Judge, Bathinda, vide which the revision petition preferred by respondent No. 2/complainant against the order dated 12.02.2015 passed by the Court of Sub Divisional Judicial Magistrate, Phul, was allowed, and the Trial Court was directed to frame charge under Section 452



of the IPC in addition to the offences under Sections 448, 427, 148, and 149 of the IPC.

2. The case of the prosecution was initiated on the basis of FIR No. 65 dated 23.08.2013, registered at Police Station Phul, the contents of which are reproduced as under:

“Statement of Bachan Singh s/o Makhan Singh caste Bauria Sikh r/o Rampura Road PS Phul District Bathinda Aged about 55 yrs Mobile 95032-21134. It is stated that I am the resident of above mentioned address and work as a labourer. I have two sons and a daughter. My elder son is married and one son and one daughter are unmarried. In 1997, I had taken 6 marlas of land on Rampura Road in exchange from Mukand Singh s/o Santa Singh Caste Prajapat r/o Phul and in exchange, I had given 6 marlas of land from my residential plot on the western side facing the road and I had built a room with a door. My son namely Mann Singh who is married resides in the said room alongwith his family. Yesterday on 22.08.2013 at about 11 am, Manpreet Singh @ Ruby s/o Kirpal Singh caste Jatt, Karnail Singh s/o Jagmeet Singh Caste Jatt, Akram Singh s/o Karnail Singh caste Jatt, Vicky Singh s/o Sukhdev Singh caste Jatt, Mukand Singh s/o Santa Singh Caste Prajapat, Kala Singh s/o Darshan Singh Caste Jatt, Dattu Singh s/o Gurcharan Singh caste Jatt, Sukha Singh s/o Hakam Singh caste Jatt, Gora Singh s/o Maghar Singh caste Jatt, Deepa Singh s/o Billu Singh caste Jatt who were having sabbals and Kahis and other weapons entered into my residential room and they



demolished the said room and also ransacked the articles of my daughter in law lying in that room. I was going to give information to the police regarding the same alongwith Bansa Singh s/o Damman Singh Caste Majhbi Sikh and Amarjeet Singh s/o Sajjan Singh caste Bauria Sikh. You have met us on the way. My statement has been recorded and has been read over which is correct. Legal action be taken.”

3. On conclusion of the investigation, the police filed a final report for the offences under Sections 448, 427, 148 and 149 of the IPC. Learned Trial Court, vide order dated 12.02.2015, found a prima facie case and framed charges against the petitioners for the offences punishable under Sections 448, 427, 148 and 149 of the IPC.

4. Feeling aggrieved by the non-framing of charge under Section 452 IPC, the complainant/respondent No. 2 preferred a revision petition. Learned Revisional Court, vide impugned order dated 29.04.2016, modified the order of the Trial Court. The Revisional Court observed that there are specific allegations in the statement of the complainant recorded under Section 161 Cr.P.C. that the accused had come armed with kahies and other deadly weapons. It was further observed that the act of entering the house while carrying such weapons was sufficient to prima facie establish the mens rea and intention to cause hurt or assault, or put a person in fear, thereby attracting the ingredients of Section 452 IPC. A direction was issued to the trial Magistrate to frame the charge for the



offence under Section 452 IPC as well in addition to the offences for which charge had already been framed.

5. Feeling aggrieved, the present revision petition has been instituted. Both the parties have been heard and material on file has been perused.

6. Learned Senior Counsel for the petitioners argued that the impugned order vide which the revision petition has been allowed and the charge under Section 452 IPC has also been ordered to be framed is based on conjectures and surmises. The material on file has not been appreciated in the correct perspective while passing the impugned order. Infact, it is the accused who are in possession of the property in dispute and a civil suit has already been instituted by the complainant and he had obtained order of status-quo by misleading the Court and, thereafter, he has pressurised the police to register the present FIR. Under the garb of order of status-quo dated 22.8.2013, complainant himself demolished the above-stated wall on the land of petitioner No.1 and tried to take possession forcibly and DDR No.17 dated 28.10.2013 (Annexure P.4) was got registered in this regard. Thereafter, the petitioner No.1 and his mother had filed a civil suit for permanent injunction and the stay application has been allowed in their favour and thereafter, the complainant had instituted a petition under Section 156(3) Cr.P.C for registration of FIR which was dismissed by the Area Magistrate vide order dated 26.8.2013 observing that FIR has already been registered and investigation is pending. Learned counsel contended that police after conducting thorough investigation has filed the final report for the offences under Sections 448, 427, 148, 149 IPC and petitioners have been charged for the said offences besides the



offence under Section 427 IPC. The revisional Court has completely overlooked the necessary conditions provided under Indian Penal Code for an offence to come under purview of Section 452 IPC according to which whoever commits house trespass, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine. Learned counsel contended that the question of committing house trespass does not arise as there are no allegations of causing or attempting or putting the complainant in the fear of hurt in the FIR with which the other necessary condition as provided under Section 452 IPC is also not fulfilled. Merely because the petitioners were armed with deadly weapons like kahies, sabbals etc., is not sufficient to prove their means-rea which infact are agricultural implements. Learned counsel lastly argued that the petition in hand be allowed as no offence under Section 452 IPC is made out and the impugned order be set aside. In support his contentions, learned Senior counsel has relied upon a judgment of Madhya Pradesh High Court in Criminal Revision No.828 of 2025 – **Juber Ansari Vs. State of Madhya Pradesh** and a judgment of Hon’ble Supreme Court in 2026(1) JLJR 149 – **Tuhin Kumar Biswas @ Bimba Vs. The State of West Bengal**.

7. On the other hand, learned State Counsel assisted by learned counsel for respondent No.2 argued that the Court of learned Additional Sessions Judge, Bathinda has passed the order after going through the material on record and by applying its mind. Learned counsel contended that the impugned order is well



reasoned and justified and does not call for any interference. Learned counsel next contended that the primary consideration at the stage of framing of charge is the test of existence of prima-facie case and at this stage, the probative value of materials on record is not to be gone into. Likewise, the defence of the accused is also not to be looked into at the stage of framing of charge. Learned counsel contended that the version of the accused that they are in possession of the property in dispute where the house trespass was allegedly committed can be gone into during the trial only after the prosecution and defence lead their evidence. At this stage, the trial Court is only to apply its mind to the facts of the case as may be necessary to determine whether a case has been made out by the prosecution for trial on the basis of material annexed with the charge-sheet. Learned counsel next contended that petition in hand is meritless and no interference in the impugned order is thus called for and petition in hand be dismissed. In support his contention, learned counsel has relied upon a judgment of Hon'ble Supreme Court in 2023 LiveLaw (SC) 874 – **State of Gujarat Vs. Dilipsinh Kishorsinh Rao.**

8. Before proceeding further, Section 442 IPC and Section 452 IPC are reproduced as under:-

“442. House trespass. – Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling or any building used as a place for worship, or as a place for the custody of property, is said to commit “house-trespass”. Explanation. – The



introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

452. House-trespass after preparation for hurt, assault or wrongful restraint. –

Whoever commits house-trespass, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."

9. It is not in dispute that there is no allegation in FIR that the accused had caused any hurt to the complainant but as per version in the FIR, the accused were carrying arms like sabbals, kahies and other deadly weapons with them which have also been subsequently recovered from their possession. It is well settled at the stage of framing of charge, the Court is only to see whether a prima-facie case to proceed against the accused is made out or not. The truthfulness or falsity of the allegations are not to be gone into which can be decided only after the parties are given an opportunity to lead evidence. There are specific allegations that when the accused allegedly came in the property in dispute, they came armed with sabals, kahies and other deadly weapons and they committed trespass in the house and demolished the same which shows that they had the intention to cause hurt or assault any person or to put any person in fear and as such, the intention of the respondents was clear and from the given allegations, the offence under Section 452 IPC is prima-facie made out against the accused. As to



who amongst the parties is in possession of the property can be decided only after parties lead their evidence during the trial. The case law cited by learned counsel for the petitioners is not applicable to the present case.

10. Learned Revisional Court thus while passing the impugned order has not committed any manifest error or material illegality which could warrant interference and the impugned order is well reasoned and justified and accordingly, the petition in hand is ordered to be dismissed.

11. Pending misc. application (s), if any, shall also stand disposed of.

(Yashvir Singh Rathor)
Judge

April 27, 2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No