

2026.PHHC:053610



CRM-M-33238-2025

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

101

CRM-M-33238-2025 (O & M)

Date of decision: 07.04.2026

DALVIR DASS @ ASHOK

....Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gurvesh S. Khokhar, Advocate,
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Harmanjit Singh Jugait, Mr. Harmanpreet Singh and
Mr. Bhawneet Singh, Advocates,
for the complainant.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.81 dated 05.06.2025, registered at Police Station Barnala, District Barnala, under Section 285 of BNS, and Section 3 of the Prevention of Damage to Public Property Act, 1984.

2. Short reply by way of affidavit of the Gram Panchayat of village Kothe Guru, District Barnala, filed in the Court, is taken on record.

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3. On 25.06.2025, 08.09.2025 and 25.03.2026, this Court had passed the following orders:-

“25.06.2025

Learned counsel for the petitioner has submitted that although vide letter dated 15.03.2025 (Annexure P-2), the members of the Gram Panchayat have written a letter to the Incharge, Police Post Handiaya, which is in favour of the present petitioner but in order to show his bona fide, the petitioner is ready to restore the official passage as it existed prior to the dismantling of the brick layer path at his own expenses.

Notice of motion for 02.09.2025.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 482(2) BNSS.

The petitioner would be bound by the statement made before this Court and in case the same is not complied with then the interim order granted in favour of the petitioner would be liable to be vacated.

The State would submit a status report on the next date of hearing with respect to the status of the site in question.”

08.09.2025

“Mr. Harmanjit Singh Jugait, Advocate has put in appearance on behalf of the complainant and filed his vakalatnama. The same is taken on record.

Status report dated 01.09.2025 has been filed. According to which, petitioner has not complied with his own undertaking as well as order dated 25.06.2025.

On the other hand, learned counsel for the petitioner submits that Block Development and Panchayat Officer, Barnala, who is the complainant has issued a letter stating that the encroachment has been removed.

Let, the affidavit of Block Development and Panchayat Officer, Barnala regarding removal of encroachment be furnished on the next date.

Adjourned to 04.11.2025.

Interim order to continue.”

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25.03.2026

“Learned counsel for the petitioner candidly states that an amount assessed for restoring the passage, as mentioned in the FIR and in terms of the statement made before the Co-ordinate Bench on 25.06.2025, by State shall be deposited for the said purpose.

Learned State counsel prays for and is granted a week's time to handover the estimate to learned counsel opposite and learned counsel for the petitioner seeks three days' thereafter to do the needful.

Adjourned to 07.04.2026.

Interim order to continue.”

4. Learned counsel submits that in pursuance of the aforementioned order dated 25.06.2025, the petitioner has not only joined investigation and with regard to restoration of the official passage as it existed prior to dismantling, he in terms of the last order has handed over the demand draft No.628147 dated 02.04.2026, amounting to Rs.35,160/- to learned State counsel, who further passed on the same to ASI Kulwinder Singh, as per the estimate given to him by the BDPO, Barnala. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

5. Learned State counsel on instructions from the Investigating Officer, affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

6. Learned counsel for the complainant submits that since the estimated amount has been deposited by way of demand draft, he despite his best efforts has not been able to resist the prayer made in the petition.

7. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is

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allowed and the order dated 25.06.2025 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 482(2) of BNSS, 2023.

8. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

07.04.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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