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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010476132026**

\+ **W.P.(CRL) 3120/2026**

RANBIR SINGH BALI .....Petitioner

Through: Mr. Abhishek Kaushik, Mr. Aditya Kaushik and Ms. Taniya Bali, Advs.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR. .....Respondents

Through: Mr. Yasir Rauf Ansari, ASC with Mr. Alok Sharma, Ms. Sonia Malhotra and Mr. Pavitra Dixit, Advs.
Si Amit Bhardwaj, DIU/DWD

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

O R D E R

% 01.10.2026

1. This hearing has been done through hybrid mode

2. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the "BNSS"), seeking quashing of ***FIR No. 0405/2026*** dated 04.08.2026, registered at P.S. Bindapur, District Dwarka, Delhi, under Sections 318(4), 329(4), 336(3), 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the "BNS"), along with all consequential proceedings arising therefrom.

3. Briefly stated, the FIR pertains to an alleged encroachment upon DDA land situated at A-Block, Bhagwati Vihar, Delhi. During enquiry, one Sanjay Bhalla claimed ownership over Plot Nos. 77, 78 and 79, forming part of

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Khasra No. XXX, on the basis of an Agreement to Sell dated 04.05.2026 allegedly executed in his favour by Smt. Angoori Devi Sharma.

4. Learned counsel for the Petitioner submits that the FIR does not attribute any specific overt act to the Petitioner, except his alleged presence at the spot where a submersible was being dug. It is submitted that there is no allegation that the Petitioner himself undertook or directed the digging or participated in any alleged offence.

5. Learned counsel further submits that the essential ingredients of Section 318(4) BNS are absent, as there is no allegation of any deception, false representation, dishonest inducement or delivery of property attributable to the Petitioner. Thus, the offences alleged are not made out against the Petitioner even on a prima facie consideration of the FIR.

6. This Court has considered the allegations contained in the FIR and the submissions advanced by learned counsel for the Petitioner.

7. A perusal of the FIR reveals that the Petitioner has been named as one of the persons allegedly involved in the unauthorized encroachment upon the subject property. The FIR records that, on 21.07.2026, at about 6:00 PM, the beat staff found a submersible being dug at Plot Nos. 77, 78 and 79, Khasra No. XXX, in the presence of the Petitioner. Upon being asked to produce permission for digging the borewell, the Petitioner allegedly failed to produce the same. The FIR further records that, upon enquiry, the DDA informed that although physical possession of Khasra No. XXX had not been handed over to it and only symbolic possession had been handed over, the land was vacant at site. On the basis of the enquiry, the Petitioner and co-accused Sanjay Bhalla were alleged to have unauthorizedly encroached upon the public/government land. The relevant portion of the FIR reads as under:

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> *".....**Thereafter, on 21.07.2026, at about 6 PM, during the area patrolling beat staff found that one submersible had been dinged in Plot No. 77,78,79, Khasra No. 452, situated in the area of Village Bindapur, Delhi in the presence of Ranbir Singh Bali, who was asked about the permission of digging water borewell, who could not produce any permission.** During further enquiry a letter was written to Deputy Director, Land Manager, DDA for providing present status of said land. DDA vide its letter No. F5(9) 2020/LM/SWZ/DDA/XXX dated 18.06.2026 informed that the said piece of land of village Bindapur, falls in Kh. No. 451/4XX of village-Bindapur, tentatively and that as per LR, DDA the land of Kh. No. 4XX(4-16) village Bindapur has been acquired vide award no. 1XX/XXXX. Physical possession of the same has been handed over to DDA, by LAC, L & B department on 30.10.1986. The land of Kh. No. 452 (4-16) village Bindapur has been acquired vide award no. 1XX/86-XX. **Physical possession of the same has not been handed over to DDA, due to built up at the time of possession proceedings. Only symbolic possession of the same was handed over to DDA by LAC, L & B department GNCTD on 04.10.1986. But the land is vacant at site. From the enquiry conducted, it has been found that Sh. Sanjay Bhalla S/o Sh. Ashok Kumar Bhalla R/o A-1/84, Third Floor, Front Side, Right Side, Block A1, Kh. No. 15/18/2, PVT Flat No. D2, Plot No. 84, Chanakya Place, Delhi and Sh. Ranvir Singh Bali S/o Sh. Jaswant Rai Bali R/o H. No. E-698, Bindapur, DDA Flats, Delhi, have unauthorizedly encroached the public govt. land and thus committed an offence U/S 318(4)/329(4)/336(3)/340(2)/61(2) BNS. It is therefore requested that a case may be register and investigation be handed over to Insp. Manoj Bhaskar No. D-4904**…….."*

8. At this stage, this Court is not required to determine the ultimate applicability of each of the penal provisions invoked or to undertake an

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appreciation of the evidence. The allegations contained in the FIR, including those regarding the presence of the Petitioner at the site and his alleged involvement in the unauthorized encroachment, require investigation. The precise role attributable to the Petitioner and the applicability of the provisions invoked are matters to be examined during the course of investigation.

9. The contentions raised by the Petitioner, including those relating to the documents concerning the subject property and the status of possession recorded by the DDA, involve factual aspects which cannot be adjudicated upon by conducting a mini-trial at the stage of consideration of a petition seeking quashing of the FIR.

10. In view of the aforesaid, this Court finds no ground to exercise its inherent jurisdiction under Section 528 of the BNSS.

11. Accordingly, the present petition is dismissed. Pending applications, if any, also stand disposed of.

MADHU JAIN, J

OCTOBER 1, 2026/prg/RM

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