



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50181-2024

Date of Decision:21.07.2025

Gurmeet Kaur and others

...Petitioners

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Ritesh Aggarwal, Advocate with
Mr. Pankaj Bains, Advocate
for the petitioners.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Gaurav Kalsi, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to them in case FIR No.164, dated 02.09.2024, under Sections 303(2), 329(3) of BNS, registered at Police Station Sadar Nabha, District Patiala (Annexure P-1).

2. Learned counsel for the petitioners contends that in the present case a civil dispute has been illegally converted into a criminal offence. Learned counsel for the petitioners next contends that the complainant side had already instituted a civil suit titled as "**Satgur Singh and others Vs. Gurmeet Kaur and Anr.**" (Annexure P-2) against the petitioners side much prior lodging of the FIR. Even the petitioner No.1 Gurmeet Kaur had also filed a suit for permanent injunction (Annexure P-3) against the complainant side and the civil suits are pending before the Court. Learned counsel for the petitioners further submits that during the pendency of the civil suit, the complainant got the FIR registered

on 02.09.2024 with regard to the alleged occurrence of the offence between 01.01.2022 to 24.06.2024. He further contends that in the present case even no specific allegations have been levelled against the petitioners and the allegations levelled by the complainant do not disclose the commission of any cognizable offence.

3. On the other hand learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioners on the ground that the petitioners have illegally taken the possession of the land of the complainant and the present petition deserves to be dismissed by this Court.

4. I have heard learned counsel for the parties and perused the record carefully.

5. In the present case, it is not in dispute that two civil suits (Annexures P-2 and P-3) have been instituted at the instance of the complainant side as well as the petitioner No.1. Even, the questions relating to possession and encroachment are yet to be adjudicated by the competent Court. At this stage, in the considered opinion of this Court, custodial interrogation of the petitioners may not be required.

6. Thus, without commenting any further, the present petition is allowed and the petitioners are granted concession of anticipatory bail, subject to the conditions as provided under Sections 482 (2) of B.N.S.S. It will be open for the Investigating Officer to call the petitioners to join the investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 482 (2) of B.N.S.S.

(N.S.SHEKHAWAT)
JUDGE

21.07.2025

hitesh

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