



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

**CRM-M-32897-2025
DECIDED ON: 19.06.2025**

NACHHATTAR SINGH AND OTHERS

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Arshpreet Khadial, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS), 2023, for grant of anticipatory bail to the present petitioners in case F.I.R No. 0032, Dated 26.05.2025 under Section 303(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, police station Lakhewali, District Sri Muktsar Sahib (Annexure P-1).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Jagdev Singh son of Dayal Singh son of Sunder Singh resident of village Khudde Halal at present resident of Abohar Road, Street No.02, Sri Muktsar Sahib, aged about 77 years Mobile No.98728-60937. Stated that I am resident of the abovesaid address and doing agriculture work. I and Jaspal Singh son of Gurdev Singh son of Nihal Singh resident

of village Khudde Halal at present resident of opposite Dera Radha Soami, Malout Road, Sri Muktsar Sahib had together purchased the 10 marlas of land in village Khudde Halal from Swaran Singh son of Ishar Singh son of Thaman Singh resident of village Chak Tamkot at present resident of House No.127-A, Street No.05 Mohalla Patwarian wala Kotkapura on 10.03.2025 vide Document No. 2024-25/50/1/513 Dated 10.03.2025, on the front side of which there is link road Lakhmiroana Road 132 ft., and at the backside of which there is a land of Nachhattar Singh and others, the side measuring 132 ft on one hand and Ram Mali side 21 ft. 03 inch and on the other side Jagdev Singh and others have side of 21 ft 08 inch, in which as per our registered sale deed we had raised the boundary wall by installing pillars with cement slabs and bricks. Today, when I came to visit the above mentioned place in my village Khudde Halal then I saw that the boundary wall which we had built with cement pillars and stone, slabs was not present there. A special friend of mine told me that on 17.05.2025, Nachhattar Singh, Arjan Singh sons of Ishar Singh, Balwant Singh son of Darshan Singh, residents of village Chak Tamkot along with 4/5 unknown persons by bringing their tractor Ford 3610, color blue and Eicher, color red along with trollies during the day time and by demolishing our main wall and taking out iron bars from there and further by demolishing slate wall and cement pillars took away the entire material by loading in their tractor trollies, the total value of which is made out to be Rs. 80,000/-. They have stolen the abovesaid material and taken away in our absence. Appropriate action should be taken against Nachhattar Singh, Arjan Singh sons of Ishar Singh, Balwant Singh son of Darshan Singh residents of village Chak Tamkot and 4/5 unknown persons and justice may be imparted to us. this regard, I will produce the photos and videography of the site to you. Statement has been got recorded to you which is heard and is correct.”

3. **Contention**

On behalf of the petitioners

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case and there is an inordinate delay of 10 days in lodging the instant FIR as the occurrence took place on 17.05.2025 whereas the FIR was registered on 26.05.2025. He further contends that the case is based on hearsay evidence, which is a weak piece of evidence. The petitioners are ready and willing to join the investigation and cooperate with the investigation officer concerned, as has been undertaken before this Court by learned counsel for the petitioners.

Notice of motion.

On behalf of the State/complainant

On the asking of the Court, Mr. Sandeep Singh, AAG, Punjab accepts notice on behalf of the respondent-State and Mr. K.B.S. Mann, Advocate, has put in appearance on behalf of the complainant and filed his Vakalatnama, which is taken on record. They oppose the grant of anticipatory bail to the petitioners on the ground that the allegations against the petitioners are that on 17.05.2025, they, along with the co-accused, demolished the outer/main wall of the property belonging to the complainant, Jagdev Singh. It is further alleged that they also destroyed a wall constructed of rock slates, as well as cemented pillars. Additionally, the accused are alleged to have committed theft by removing and taking away the aforementioned materials using two tractors with trolleys.

4. **Analysis**

Be that as it may, taking into account the fact that there is an unexplained delay of 10 days in lodging the FIR since the alleged incident

occurred on 17.05.2025, but the FIR was registered only on 26.05.2025; the case appears to be based on hearsay evidence, which is inherently weak. Furthermore, considering the undertaking given by learned counsel for the petitioners before this Court that the petitioners are ready and willing to join and cooperate in the investigation with the concerned investigating officer.

5. **Relief**

In the light of above, the petitioners are directed to be released on anticipatory bail subject to their joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioners do not comply with the aforesaid direction of joining the investigation within a

period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

19.06.2025

Poonam Negi

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