



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

216

CRM-M-19255-2025

Date of decision: 29<sup>th</sup> April, 2025

Sahib Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Piyush Sharma, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

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**MANISHA BATRA, J (ORAL):-**

The instant one is the second petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 117 dated 03.10.2022 registered under Sections 379 of IPC and Section 21(3) of Mines and Minerals (Development and Regulation) Act, 1957 at Police Station Lakho Ke Behram, District Ferozepur.

2. As per the allegations, on 03.10.2022, on receipt of a secret information qua the petitioner and the co-accused Sukhchain being indulged in illegal mining by using tractor trolleys. A raid was conducted by the police officials of the concerned police station. The petitioner and co-accused had managed to flee. Tractor trolleys lying at the spot for the purpose of illegal mining of sand were recovered. Apprehending his arrest, the petitioner moved application for grant of pre-arrest bail, which was dismissed by the Court of learned Additional Sessions Judge, Ferozepur.



3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There are totally general and vague allegations in the FIR. Neither the exact area where the mining was done has been mentioned in the FIR, nor any mining officer has made any complaint in this regard. No recovery is to be effected from the petitioner. He is ready to join the investigation. His custodial interrogation is not required. The subject offences are triable by Magistrate. Accordingly, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned Assistant Advocate General, Punjab, has argued that there are serious allegations against the petitioner. His custodial interrogation is required for conducting thorough investigation in the matter. Tractor trolley filled with sand was recovered from the spot. Accordingly, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have done illegal mining of the sand with the help of tractors. Though some tractors were recovered from the spot but there is nothing to show that one or the other of them was owned by the petitioner. Rather learned counsel for the petitioner has submitted that the tractor trolley so recovered has been released on *superdari* in favour of one Punjab Singh and this fact had not been controverted in the status report or by learned State counsel. Given the nature of the allegations, in the considered opinion of this Court, the pre-trial incarceration of the petitioner is not required and as such, no purpose would be served if he is taken into



custody. As such, without commenting on the merits of the case and in the circumstances peculiar to this case, the petitioner makes a case for release on pre-arrest bail. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrender before the learned trial Court within a period of ten days from the date of passing of this order and on his surrender within that period, he shall be released on bail by the learned trial Court on furnishing bonds to its satisfaction and further subject to the following conditions:-

(i) the petitioner shall cooperate with the investigation and shall appear before the investigating/arresting officer as and when required.

(ii) he 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/her from disclosing such facts to the Court or to any Police Officer.

(iii) he shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

**29<sup>th</sup> April, 2025**

*Parveen Sharma*

1. Whether speaking/ reasoned : Yes / No  
2. Whether reportable : Yes / No