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

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**CRM-M No.41247 of 2025
Date of Decision: 06.08.2025**

Dharamveer Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
75	26.05.2024	Shahkot, District Jalandhar Rural	379, 353, 186, 411, 427, 506, 148 and 149 of IPC and 21 of Mines and Minerals (Development and Regulation) Act, 1957

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the Mining Officer Faridkot namely, Jagsir

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Singh alleging that on 26.05.2024, he was performing duty of checking of illegal mining along with other officials of Mining Department and police official in a Government vehicle and when they reached at a particular location, they found that illegal minning was got done and two tractors along with trolleys loaded with sand were found lying there. In the meanwhile, 30-35 unidentified persons reached there on several vehicles. They were armed with weapons. They damaged the private vehicle of Mining Inspector Manjit Kumar, hurled abuses to the members of the checking party and tried to open an attack upon them by using their weapons. However, their lives were saved since police official Constable Najar Singh fired shots in the air from his official pistol. The official vehicle of the complainant had also been damaged. The miscreants then took away the tractor along with sand from the spot. After registration of FIR, investigation proceedings were initiated. During the course of investigation, the petitioner was nominated as an accused. He was arrested and is in custody since 19.06.2025. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. The ingredients of subject offences are not attracted against him. Investigation and trial will take considerable time to conclude. No useful purpose would be served by keeping him in custody any more. The subject offences are triable by Magistrate. It is, therefore, urged that he deserves to be released on bail.

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4. Notice of motion.

5. Mr. Roshandeep Singh, AAG, Punjab has advance notice of the petition. He has filed custody certificate and has argued that there are serious allegations against the petitioner who had been named as an accused on the basis of supplementary statement of the complainant. He is involved in one more criminal case. It is, therefore, argued that he does not deserve to be released on bail.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have formed membership of an unlawful assembly and in prosecution of common object thereof, is alleged to have caused obstruction in performance of lawful duty of the complainant and other officials of Mining Department and to have assaulted them. He is also alleged to have damaged the vehicles belonging to the complainant party and to have committed theft of sand. He was, however, not named in the FIR. He is in custody since 19.06.2025. Challan has now been presented. No useful purpose is going to be served by keeping the petitioner in custody any more. It is well settled proposition of law that bail is the rule and jail is an exception. Taking into consideration the above facts and circumstances peculiar to the case, this Court is of the opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

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8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.08.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No