



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33393-2025 (O&M)

Date of decision: 03.07.2025

Lovejinder Singh

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Gaurav Partap S. Pathania, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (ORAL)

1. In the present anticipatory bail petition, on June 26, 2025,
following order was passed by a coordinate Bench of this Court:-

“Notice of motion.

***Mr. Animesh Sharma, Addl. A.G., Punjab accepts
notice on behalf of respondent-State. Copy of paper book be
supplied to him during the course of day.***

Let status report be filed on 03.07.2025.”

2. In compliance to the said order, learned Senior Deputy
Advocate General, Punjab, has filed a status report by way of an affidavit of
Deputy Superintendent of Police (Rural) Pathankot dated 02.07.2025, which
is taken on record. Registry to tag the same at appropriate place. Copy of the
same also supplied to the counsel opposite.

3. As per the allegations, on the evening of 14.05.2025, checking
of mining at the outer passage of crusher zone was carried out by the
officials of the Mining Department. During the operation, the owners/drivers



of the vehicles abandoned their vehicles loaded with sand and gravels at the spot and fled away from there. The required information was given to the District Mining Officer, Pathankot. Subsequently, certain revenue officials also arrived at the scene of incident.

4. Counsel submits that although the petitioner's vehicle is mentioned in the list of vehicles allegedly involved in mining activity, but it was shown to have been recovered on 16.05.2025 from the area of Batala, whereas the alleged mining check took place in Pathankot, which is approximately 60 kilometers away from Batala. Further, counsel argues that the involvement of the petitioner has yet to be established by the prosecution through substantive evidence, and also the burden of the prosecution would be whether there is any involvement of the petitioner or not with respect to a specific knowledge of using of the vehicle registered in his name. Moreover, the petitioner is ready to join investigation if he is granted protection from arrest.

5. Learned State counsel argues that as per the details given, even a video recording showing the presence of the vehicle at the spot was forwarded to the respective numbers on WhatsApp. Therefore, *prima facie*, sufficient & ample evidence is available showing the involvement of the vehicle, rather a heavy burden is on the petitioner himself, to prove the fact that he was not involved in any illegal mining process.

6. I have considered the submissions made by learned counsel for the parties and gone through the record along with the facts alleged in the FIR. Admittedly, it is not an allegation that the petitioner was definitely present at the spot at the time of mining, when the photograph/ video of the



vehicles was taken on 14.05.2025, the involvement of the petitioner is yet to be established by the prosecution, and that too beyond doubt.

7. In view of the above, prayer made in the present petition is **allowed** and petitioner is directed to join the investigation within a period of two weeks from today, or as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

8. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

9. Petition stands **disposed of** accordingly.

(Sanjay Vashisth)
Judge

03.07.2025

Rajan

Whether speaking / reasoned:

Yes/No

Whether Reportable:

Yes/No