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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28207-2025 (O&M)

Date of decision: 29.05.2025

PARAMJIT SINGH @ PAMMA AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Dr. Anmol Rattan Sidhu, Advocate with
Mr. Ravi Chadha, Advocate and
Mr. Shiv Kumar Sharma, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Sartej Narula, Advocate and
Mr. Harpreet S. Multani, Advocate for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

CRM-23125-2025

Prayer in this application is for placing on record the
Transportation Route Map, video of complaint and G.D. No.21 of 17.05.2025
as Annexures P-9 to P-11.

For the reasons mentioned in the application, the same is allowed.

Annexures P-9 to P-11 are taken on record, subject to all just exceptions.

CRM-M-28207-2025

1. The present petition has been filed under Section 482 of the BNSS,
2023 for the grant of anticipatory bail to the petitioners in FIR No.43 dated



18.04.2025, under Sections 118(1), 115(2), 74, 351(2), 191(3) and 190 of BNS, 2023 (Sections 118(2), 61(2), 126(2) and 189(1) of BNS, 2023 added later on) registered at Police Station Meharban, District Police Commissionerate, Ludhiana, Punjab.

2. Respective replies have been filed on behalf of the State of Punjab and the complainant in the Court today and the same are taken on record.

3. Copies of the aforesaid replies have already been supplied to the learned Senior Counsel appearing on behalf of the petitioners, who has stated that he has already gone through the same.

4. Learned Senior Counsel appearing on behalf of the petitioners argued that the present petitioners have been falsely implicated in the present case and it is a case where the allegations against the petitioners were that there was one truck (Tipper) which was loaded with sand from mining site, which was passing through a village, namely, Sasrali and thereafter, the road from where the Truck was passing was blocked by putting a chair in the middle of a road by an old lady of the Village and thereafter, some more persons were called from outside the village. He further submitted that as per the allegations, some of the petitioners who were riding in the Tipper had given beatings to the persons who had blocked the road and consequent upon the same, the present FIR was registered against them. He further submitted that so far as petitioner No.6 is concerned, she is a lady and was not nominated as an accused in the FIR in initial stage but it was thereafter on the supplementary statement that her name was nominated alleging that she has also participated in the present offence, whereas she has also been falsely implicated in the present case. While



referring to the Mining Plan (Annexure P-9), he submitted that from a perusal of the road map, which is taken from the Google Earth, there is a designated route from the place of mining for the purpose of transportation of minor minerals regarding which the petitioners were having a valid mining licence and so far as the aforesaid Village Sasrali is concerned, although there is no designated route of transportation from that place but there was no alternate route to reach the destination where delivery was to be made except passing through the said Village and therefore, the petitioners while transporting their minor minerals were neither violating any law nor there was any prohibition to pass through the Village and in order to deliver the goods at an appropriate place, they were within their legitimate rights to transport the sand by whatever route which was available to them which may be of a shorter distance. He further submitted that when the petitioners were passing through the aforesaid Village, one old lady was sitting in the middle of the road on a chair and she blocked the road and thereafter, some other persons from the neighbouring Villages were also called and they had given beating to the petitioners and in consequence of the same, a fight took place and both the parties received injuries. He further submitted that in view of the aforesaid facts and circumstances, the petitioners may be considered for the grant of anticipatory bail.

5. He further submitted that the present FIR was registered on 18.04.2025 and so far as the FIR on the basis of the complaint given by the petitioners is concerned, the same was not immediately registered but was registered after about one month as a cross-case because of the fact that the



police was conniving with the complainant party. He also submitted that the complainant, who is the author of the FIR is not a resident of the aforesaid Village and is only claiming herself to be a Social Activist and as per the allegations contained in the FIR, she was called by the inhabitants of the aforesaid Village Sasrali for help and therefore, it gets substantiated that the petitioners have been falsely implicated in the present case.

6. Learned Senior Counsel appearing on behalf of the petitioners has argued that no specific injury has been attributed to petitioners No.1 to 4. He further argued that the person against whom direct injury has been attributed, namely, Sukhdev Billa, is already in custody. He also submitted that although petitioner No.1 was involved in seven other cases of different nature but he has been acquitted in three of them, in one case he has already undergone the sentence of fine and in remaining three cases, cancellation report has been moved.

7. On the other hand, Mr. Karunesh Kaushal, AAG, Punjab while referring to the status report filed on behalf of the State of Punjab submitted that it is a case where although the petitioners were doing some business of mining but at the same time, they were always passing through the aforesaid Village having a very narrow street of which the width was only 8 feet and which was passing through a fully inhabitant village. He further submitted that the transportation of minor minerals through Trucks/Tippers had earlier also been going on but the elderly people of the Village decided to stop the Trucks/Tippers from passing through the Village and in this way, an old lady sat in the middle of the road to stop the Truck/Tipper and the same was stopped. He



further submitted that as per the investigation, the petitioners had started beating not only the inhabitants of the Village but also others who had gathered there to protest and in this way, multiple serious injuries have been caused to the complainant party. In this regard, he referred to paras No.5, 6 and 7 of the aforesaid status report, wherein description of the injuries inflicted upon three persons have been described, which includes incised wound present over right forearm, pain in the abdomen, incised wound placed transversely over right lower ear and lacerated wound present over left eyebrow. He further submitted that out of the above, two injuries were declared as grievous injuries on two different persons including the complainant. So far as the FIR pertaining to the complaint made by the petitioners is concerned, the same was registered on 20.04.2025 against the complainant and the complainant party.

8. He further submitted that all the petitioners except petitioner No.6 are in fact habitual offenders and regarding which details have been so stated in the aforesaid status report filed on behalf of the State of Punjab. So far as petitioner No.1 is concerned, he is involved in nine other cases for offences including Section 379 of the IPC, Section 21 of the Mining Act and in one case, he is also involved under Section 307 of the IPC. Petitioner No.2 is involved in six more cases pertaining to Section 21 of the Mining Act and Section 379 of the IPC. Petitioner No.3 is involved in three more cases which includes Section 21 of the Mining Act and Section 25 of the Arms Act. Petitioner No.4 is involved in six more cases pertaining to Section 21 of the Mining Act, Sections 452, 323, 341, 324, 148, 149 and 506 of the IPC. Petitioner No.5 is involved in one more case under Sections 307, 148, 149 of the IPC and Section 25 of the



Arms Act and so far as petitioner No.6 is concerned, she is not involved in any other case.

9. He further submitted that the injuries have been caused by various weapons including blunt and sharp weapons and the same have not been recovered as yet because all the petitioners are absconding. He further submitted that the custodial interrogation of the petitioners is required in the present case not only for the purpose of recovery of the aforesaid weapons used in the present offence but also to unearth the *modus operandi* adopted by the petitioners. He further submitted that on the date of incident, rather some of the petitioners were called by the driver of the Truck/Tipper and it was thereafter, that they formed a gang for inflicting injuries upon the inhabitants of the Village, who were only protesting against the passing of the truck in an 8 feet road in a fully inhabited village. He further submitted that for the purpose of elicitation of truth, the custodial interrogation of the petitioners is required. While referring to the aforesaid status report filed on behalf of the State of Punjab, he also submitted that the beatings and injuries inflicted upon the complainant party by the petitioners and other co-accused were inflicted after chasing them and by dragging the complainant and therefore, the offence is not only serious but also heinous in nature and therefore, the petitioners do not deserve the concession of anticipatory bail.

10. Mr. Sartej Narula, learned counsel for the complainant while referring to the reply filed on behalf of the complainant submitted that it is a case where the complainant party was only protesting in their own Village in a very narrow road of 8 feet, although metalled so that the mining Trucks/Tippers



do not pass from the Village and threaten the safety and lives of the inhabitants of the Village but thereafter, suddenly the petitioners and the other co-accused chased the complainant, dragged her and caused multiple injuries to all the persons present there and severe injuries have been inflicted upon three persons as aforesaid. He further referred to the Guidelines and Instructions issued by the Ministry of Environment, Forest and Climate Change, Government of India, which have been attached as Annexure C-1 alongwith the aforesaid reply. He further submitted that Clause No.1.10 under the heading Statutory Compliance provides that the capacity of Tippers to be used for transportation of minor minerals tippers should not exceed 10 tons, whereas in the present case admittedly, the total weight of the Tipper was about 32 tons, which is so evident from the document attached by the petitioners themselves in the petition as Annexure P-4 and therefore, on the face of it, the Tipper/Truck was about three times overloaded and was passing through a narrow road of a Village which is fully inhabited. Furthermore, as per Clause 1.36, it has been so provided that such a transportation vehicle cannot pass through habitation areas and will not pass through any village. He further submitted that the petitioners have rather violated even the EC conditions issued by the Government of India and endangered the lives of the villagers, who were peacefully protesting and therefore, has prayed for dismissal of the present petition.

11. I have heard the learned counsels for the parties.

12. At the time of arguments, all the learned counsels for the parties have submitted that so far as petitioner No.6, who is a lady is concerned, she was earlier not nominated in the FIR but it was on the basis of supplementary



statement that her name was nominated and there was no direct role attributable to her. Therefore, so far as petitioner No.6 is concerned, this Court is of the considered view that she deserves the concession of anticipatory bail. The present petition would stand allowed qua petitioner No.6.

13. With regard to the remaining petitioners i.e. petitioners No.1 to 5, it will be necessary to reproduce the present FIR, which has been attached alongwith the present petition as Annexure P-1 and the same is reproduced as under:-

“Stated that I am resident of above said address. I, Simranjit Kaur Gill daughter of Hakam Singh resident of Village Gaunsgarh District Ludhiana hereby state that on dated 17.04.2025, I along with other residents of my village have gone to hold seminar. This seminar was to be held at village Gadhapur. While on the way, I have received phone call from Gurdeep Singh who is pursuing study with me, who is residing in Sasrali Colony. He said that his mother has stopped a tipper. These tippers in routine used to pass from there and you may go at there and given help to her and said that they are also coming. But all the persons at there were giving abuses and were dragging the mother. All the persons were lass with arms. Some women were also lass with weapons. Among them, there were Usha, Tara Singh, Sukhvir Singh, Billa, Pamma, Thandi, Gurmukh and other unidentified persons. I can identified them. They have committed attack on us. The person named Billa grabbed my hairs, caught me from arm and dragged me, given beatings, tried to torn my cloths. Kewal Singh brother who is from my village saved me, otherwise all the above said persons would have kill me. They have attacked me with deadly weapons. Kewal Singh brother from my village has saved my life. I



have got my medical examination from civil hospital. MLR No. 67/2025 dated 17.04.2025 has been attached herewith. Besides me, other people at there have also suffered injuries, who are getting treatment. Amni brother has suffered serious injuries on his head and ear. They have got key of the motorcycle of my uncle Sukhwinder Singh and have also given them beatings. He was just making efforts to save me. While, I was trying to go away from there, I was attacked with sword and the blow of sword has been hit at my arm. However with great efforts I have saved my life after coming from there. The above said persons were hurling lalkara that she is giving help to them. They said let us teach her lesson to come in the way of their sand business. One woman came from there and she snatched my sardine and said that let us teach her lesson of social work. Justice may kindly be given to me and legal action may kindly be taken against the above said accused persons. Sd.Simranjit Kaur. Attested by Assistant Sub Inspector Gurbakhshish Singh No. 805/ Ludhiana. Incharge Police Post Mattewara Police Station 1092/ Ludhiana, Senior Constable Ajmer Singh NO. 3003/ Ludhiana, Constable Gurpreet Singh No. 2783/ Ludhiana were present with regard to official work at Police Post Mattewara. Simranjit Kaur Gill daughter of Hakam Singh resident of Village Gaunsgarh District Ludhiana has given information to me through phone that she has sent this statement through whatsapp to Station House Officer Police Station Meharban. When the Station House Officer Police Station Meharban contacted with her through phone, she informed to the Station House Officer that this is her statement which pertains to the quarrel that took place in the evening on 17.04.2025 in Sasrali Colony. She has sent the statement through whatsapp to the Station House Officer.



Simranjit Kaur along with her statement has also sent the copy of MLR No. MLR/HG/67/25 dated 18.04.2025 at 12:15 with regard to the injuries suffered by her during quarrel. The doctor has declared 2 injuries inflicted to Simranjit Kaur. Injury no.1 is sharp. Injury no.2 is inflicted with blunt weapon. Both the injuries have been kept under observation. From the statement of Simranjit Kaur as well as from the copy of MLR, offence 118(1)115(2) 74/351 (2) 191(3) 190 of Bharatiya Nyaya Sanhita (BNS) 2023 has been found committed. The copy of statement of Simranjit Kaur is sent through Senior Constable Ajmer Singh 3003/Ludhiana to Police Station Meharban for registration of FIR against Usha, Tara Singh, Sukhvir Singh, Billa, Pamma, Thandi, Gurmukh and other unidentified persons. FIR be registered and number of FIR be informed. Myself Assistant Sub Inspector alongwith accompanied employees departed towards the place of occurrence. Sd. Assistant Sub Inspector Gurbakhshish Singh No. 805/ Ludhiana. Incharge Police Post Mattewara Police Station Meharban District Ludhiana dated 18.04.2025. In the area of police post Mattewara at 5 PM.”

14. As per the allegations, the complainant party, who are the inhabitants of the Village except for the complainant herself, who is stated to be a Social Activist were protesting against transportation of Trucks/Tippers carrying minor minerals through a Village having a narrow road. As per the learned State counsel while referring to the status report filed on behalf of the State of Punjab a number of injuries have been inflicted upon the complainant party and the same have been depicted in the aforesaid status report. Paras



No.5, 6 and 7 of the aforesaid status report depicting injuries is reproduced as under:-

“5. That the MLR of the complainant as well as injured Amandeep Singh Gill and Balraj Singh was obtained from the Civil Hospital, Ludhiana in which the doctor has described Two injuries:

*i) **"INCISED WOUND 10X 1 CM PRESENT OVER RIGHT FOREARM BACK SIDE ACCOMPANIED BY DIFFICULTY IN MOVEMENT AT ELBOW MUSCLE DEEP SEEN ADV XRAY RIGHT FOREARM ORTHO CONSULT."***

*ii) **"PAIN IN THE ABDOMEN NO ETERNAL INJURY SEEN NO H/O OF PV BLEED GIVEN USG ABDOMEN AND OBS AND GYNAE CONSULT."***

*Out of the abovementioned injuries, injury no.1 is declared sharp and injury no.2 was blunt and both the injuries were kept under observation. A copy of the MLR of the complainant is attached as **Annexure R-1**.*

*6. That as per the MLR of injured Amandeep Singh Gill, the doctor has described one injury i.e. **"INCISED WOUND PLACED TRANSVERSELY OVER RIGHT LOWER EAR 4X 1CM WITH LOWER PART OF EAR MISSING ENT OPINION"**. Injury was declared sharp and kept under observation. A copy of MR of injured Amandeep Singh Gill is attached as **Annexure R-2**.*

*7. That as per the MLR of injured Balraj Singh, the doctor has described one injury i.e. **"LACERATED WOUND 1X1 CM PRESENT OVER ABOVE LEFT EYEBROW NO DIFFICULTY IN VISION ADV CT FACE AND SURGERY OPINION AND NCCT HEAD"**. Injury was*



*declared blunt and kept under observation. A copy of MLR of injured Balraj Singh is attached as **Annexure R-3**.*

15. It was the case of the learned Senior Counsel appearing on behalf of the petitioners that rather the petitioners themselves had received injuries but the FIR has been registered after about one month and the provisions of Section 118 of BNS, 2023 have been invoked in this regard as well.

16. So far as the argument raised by the learned Senior Counsel appearing on behalf of the petitioners that no specific injury has been attributed to petitioners No.1 to 4 is concerned, this Court is of the considered view that as per the allegations, as the petitioners formed an unlawful assembly together, the aforesaid argument would not sustain.

17. Another argument raised by the learned Senior Advocate appearing on behalf of the petitioners that the main accused, namely, Sukhdev Billa is already in custody and therefore, anticipatory bail may be granted to the petitioners is also not sustainable in view of the fact that once as per the allegations, the petitioners formed a part of an unlawful assembly and action is attributable collectively, then that itself cannot become a ground for grant of anticipatory bail to the petitioners.

18. Learned counsel appearing on behalf of the complainant referred to the Guidelines and the Instructions issued by the Ministry of Environment, Forest and Climate Change, Government of India, which he has attached as Annexure C-1 alongwith the reply. The relevant portion of the same is reproduced as under:-



1.10 The capacity of Tippers to be used for transportation of minor minerals tippers should not exceed 10 tons. For tipper capacity of more than 10 tons, the permission of concerned department responsible for maintenance of that road should be obtained.

1.36 Vehicular emissions shall be kept under control and regularly monitored. The project proponent shall ensure that, as far as possible, the transportation route will be away from the habitation area and will not pass through any village. The transportation hours of mined material shall be restricted to non-peak hours only.

19. From a perusal of the aforesaid Guidelines and Instructions issued by the Ministry of Environment, Forest and Climate Change, Government of India, the Tipper/Truck was not supposed to pass through an inhabited village and that too having short narrow road of 8 feet. Therefore, in view of the violations made by the petitioners itself would become a relevant factor for the purpose of considering the grant of anticipatory bail. No justification has come forth from the petitioners as to why the aforesaid parameters set forth by the Ministry of Environment, Forest and Climate Change, Government of India have been violated.

20. On the other hand, it was the case of the complainant party that they were only sitting in a peaceful protest by blocking the road to ensure the safety of the inhabitants of the Village and as per the learned counsels for the parties, the time of the aforesaid occurrence was about 07:00 P.M. in the evening. The argument which has been raised by the learned State counsel that for the purpose of elicitation of truth, recovery of weapons used in the present



offence and to unearth the *modus operandi*, the custodial interrogation of the petitioners is required carries weight and cannot be ignored.

21. Therefore, considering the aforesaid totality and circumstances of the present case and also the statement made by the learned State counsel that the petitioners are already absconding and sharp and blunt weapons have been used for inflicting injuries upon the complainant party regarding which details have been mentioned in the aforesaid status report filed on behalf of the State of Punjab, this Court is of the considered view that so far as petitioners No.1 to 5 are concerned, their custodial interrogation would be required in the present case and therefore, **qua petitioners No.1 to 5, the present petition stands dismissed.**

22. The present petition **qua petitioner No.6 stands allowed.** It is directed that in case in future petitioner No.6 is required to join the investigation process, then she shall join the investigation and cooperate fully with the investigation process. In the event of arrest, the petitioner shall be released on bail by the Arresting/Investigating Officer on her furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 482(2) of the BNSS, 2023.

(JASGURPREET SINGH PURI)
JUDGE

29.05.2025
Chetan Thakur

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