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

**101**

**CRM-M No.15477 of 2025  
Date of decision: 05.04.2025**

Gurjant Singh ... Petitioner

Vs.

State of Punjab ... Respondent

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

Present:- Mr. Sahil Vashishat, Advocate,  
for the petitioner (through Video Conferencing)

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,  
for the respondent-State.

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**MANISHA BATRA, J. (Oral)**

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking anticipatory bail in the FIR mentioned below:-

<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Sections</b>
10	14.01.2025	Machhiwara, District Khanna	21 of Mines and Minerals (Development and Regulation) Act, 1957 and 303 of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS")

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the complaint of Pankaj Verma, Junior Engineer-cum-Mining Inspector, Ludhiana Water Drainage Sub Division, Ludhiana as filed on 14.01.2025

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making allegations that soil/sand up to the depth of 2.5 to 3 ft. was found dug in Village Sahjo Majra with the help of a poclain machine. After registration of FIR, investigation proceedings were initiated. The poclain machine which was recovered from the spot was shown to be owned by the present petitioner. He was nominated as an accused. Apprehending his arrest, he moved an application for grant of pre arrest bail which was dismissed vide order dated 11.02.2025 passed by learned Additional Sessions Judge, Ludhiana.

3. Learned counsel for the petitioner has argued that he was falsely implicated in this case. He did not commit any offence of illegal mining. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. Therefore, it is argued that the petition deserves to be allowed.

4. Notice of motion.

5. Ms. Ruchika Sabherwal, Sr. DAG, Punjab, has advance notice of the petition and is ready to argue the matter. It is submitted by her that there are specific allegations against the petitioner. His custodial interrogation is required to conduct thorough investigation in the matter. No extraordinary and exceptional circumstance for grant of pre arrest bail is made out in his favour. Therefore, it is urged that the petition is liable to be dismissed.

6. This Court has considered the rival submissions.

7. The poclain machine owned by the petitioner was recovered

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from the side of Village Sahjo Majra on 14.01.2025. Illegal mining was also done from the same side. The investigation is at its nascent stage. For the purpose of conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is must. Even otherwise, no extraordinary or exceptional circumstance warranting exercise of the powers for grant of anticipatory bail by this Court has been made out in favour of the petitioner. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

**(MANISHA BATRA)**  
**JUDGE**

**05.04.2025**

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Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No