



108-1

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

CRM-M-36107-2025
DECIDED ON: 11.07.2025

GURWINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

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. Present petition has been filed by the petitioner, seeking grant of anticipatory bail in case bearing FIR No.52, dated 15.05.2025, under Section(s) 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, read with Sections 132, 121 of BNS, registered at Police Station Taragarh, District Pathankot.

2. 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.

3. Counsel submits that although the petitioner's vehicle, bearing registration No.PB-06-AK-2442, is mentioned in the list of vehicles allegedly involved in mining activity, but it



was shown to have been recovered on 10.06.2025, from the area of Amritsar, whereas the alleged mining check took place in Pathankot, which is approximately 100 kilometres away from Amritsar. 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, petitioner is ready to join investigation if he is granted protection from arrest.

4. Learned State counsel argues that 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 and 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.

5. 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.

6. 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.)

7. 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.

8. Petition stands disposed of accordingly.

11.07.2025

Lavisha

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*