



CRM-M-22651-2025

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

CRM-M-22651-2025

Date of decision: 13.05.2025

JATINDER SINGH @ VICKY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naresh Kumar Jandoli, Advocate for the petitioner.

Mr. Akshay Kumar, Asst. AG, Punjab.

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ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
63	07.04.2025	Sadar, District Hoshiarpur	21(1) Mines and Minerals (Regulation and Development) Act, 1957

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 15 of the bail application and the reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	144	25.08.2021	21(1) Mines and Minerals Act	Sadar, Hoshiarpur
2.	156	28.09.2023	21(1) Mines and Minerals Act	Sadar, Hoshiarpur
3.	25	09.02.2023	21(1) Mines and Minerals Act	Sadar, Hoshiarpur
4.	217	27.12.2023	323/325/34 IPC	Sadar, Hoshiarpur

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"xxx xxx xxx xxx

2. That it is submitted that on 7.4.2025 when police party headed by ASI Jasbir Singh was going towards Dada side in connection of patrolling duty and reached near juice factory Jahankhelan, he received a secret, information that Jatinder Singh @ Vicky son of Malkit Singh, resident of Village Bassi Purani, Police Station Sadar Hoshiarpur is doing illegal mining in the area of Village Bassi Di Ali from the land of private owners with the help of JCB and



*tipper their far if raid be conducted aforesaid Jatinder Singh can be apprehended at the spot alongwith machinery. Finding the information reliable and commission of offence under Section 21(1) of Mining and Mineral Act, 1957, ruqa was sent for registration of FIR against Jatinder Singh @ Vicky son of Malkit Singh, resident of Village Bassi Purani, Police Station Sadar Hoshiarpur. On the basis of which present FIR No. 63 dated 7.4.2025 Under Section 21(1) Mines and Minerals (Regulation and Development) Act, 1957 was registered at Police Station Sadar, District Hoshiarpur against the petitioner.*

*3. That it is submitted that after registration of the present case on the basis of secret information, when the police party went to the spot, police party saw one tipper filled with ordinary clay standing there and at a distance of about 2 killas one JCB was standing. The petitioner was standing near the JCB. When the police party called him by name, the petitioner fled away on the Activa. The JCB is bearing registration No.PB07-BW-8657 and tipper bearing registration No.PB07-CA-5921 and both the vehicles are the ownership of the petitioner. Both these vehicles are earlier involved in two cases registered under Mines and Minerals (Regulation and Development) Act, 1957.*

2. Counsel for the petitioner submits that he has voluntarily handed over two notarized affidavit mentioning all his assets to the State, one for mining department and one for investigator and undertakes that he would not claim such declaration as any incrimination or violation of their rights under Articles 20/21 of the Constitution of India, Bharatiya Sakshya Adhinyam, 2023 or any other law in force. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

3. The State's counsel opposes bail and refers to the reply.

4. It would be appropriate to refer to the following portions of the reply, which read as follows:

***"THE ROLE OF THE PETITIONER.***

*8. That it is submitted that the present case was registered against the petitioner on the basis of secret information. When the police party reached the spot he was found standing there. After seeing the police party, the petitioner fled away from the spot on the Activa. The JCB is bearing registration PB07-BW-8657 and tipper bearing registration No.PB07-CA-5921 were taken into police custody from the spot and both the vehicles are the ownership of the petitioner."*

**REASONING:**

5. Allegations are of mining in violation of rules, petitioner already declared his assets, if State wants to make loss as good, State may proceed to recover, however, no ground is made



out to deny bail at this stage. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

6. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

7. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

8. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

9. This order is subject to the petitioner's complying with the following terms.

10. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or



dissuade them from disclosing such facts to the Police or the Court.

12. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

**13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

13.05.2025  
*renubala*

(ANOOP CHITKARA)  
JUDGE

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