

CRM-M-2493-20251

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

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CRM-M-2493-2025

Decided on: 27.02.2025

Chanan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Paras Talwar, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station
Chanan Singh	147	01.10.2023	21(1) and 4(1) of Mines and Minerals (Regulation of Development) Act, 1957	Nangal, District Rupnagar

2. On 17.01.2025, following order was passed:-

“1. Present petition has been filed by the petitioner namely Chanan Singh aged about 50 years, seeking issuance of a direction to the Arresting officer to release the petitioner on bail in the event of his arrest, in case bearing FIR No.147, dated 01.10.2023, under Section(s) 21(1) and 4 (1) of Mines and Minerals (Regulation of Development) Act, 1957, registered at Police Station Nangal, District Rupnagar.



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2. Counsel for the petitioner *inter alia* contends that petitioner is being involved by the prosecution in number of cases, details of which are mentioned in paragraph No.4 of the petition.

3. In one of the case i.e. FIR No.159, dated 10.07.2023, under Sections 21(1) and 4(1) of the Mines and Minerals Act, 1957, registered at Police Station Nangal, the petitioner has already been granted the concession of interim anticipatory bail, which subsequently was confirmed by the Court. There is no direct evidence with the prosecution, saying that the particular sand/minerals has been lifted by the petitioner, except of the statement of one witness namely Jatinder Pal.

4. Further submits that custodial interrogation is not going to serve any fruitful purpose.

5. Notice of motion.

6. On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts an appearance on behalf of the respondent/State, and submits that custodial interrogation is required because the petitioner is involved in illegal mining and recovery of sand/minerals is to be effected. Apart him, his brother is also involved in the cases of theft of the minerals. And now, the offence under Section 379 I.P.C. has also been added. However, he seeks some time to file status report in the matter.

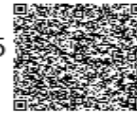
7. List again on 27.02.2025, to file status report in the matter.

8. In the meantime, on deposit of an amount of Rs. 1,00,000/- (Rupees One lacs only) with the Gram Panchayat (as learned State counsel informs that the land belongs to Gram Panchayat), in the event of arrest of the petitioner, he would be released on interim bail, subject to the subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 482(2) of the BNSS, 2023. The petitioner is also directed to join the investigation as and when required to do so by the Investigating Agency.

9. Besides, petitioner would submit/surrender his passport before the Arresting Officer and an undertaking on oath that in case of leaving the country, he would seek prior permission from the Investigating Agency/concerned Court.

10. It is also clarified that learned State counsel would find out what the loss has been suffered by the Mines and Minerals Department.”

3. Learned counsel for the petitioner submits that in compliance to the directions passed by this Court, an amount of Rs.1,00,000/- (Rupees one lac) has already been deposited and the investigation has also been joined by the petitioner, thus, submits that petitioner being not required for further custodial interrogation, his plea for anticipatory bail be confirmed.

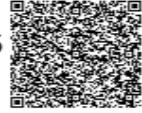
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4. On the other hand, learned State counsel has filed the status report by way of affidavit of Kulbir Singh Sandhu, PPS, Deputy Superintendent of Police, Nangal, District Rupnagar Punjab, in the Court today. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

5. By referring to paragraph No.8 of the status report, learned State counsel submits the though an amount of Rs.1,00,000/- (Rupees One lac) has been deposited by the petitioner on 17.02.2025 in account No. 14640100010082 of UCO Bank of Gram Panchayat Bhallan, yet he has to submit an affidavit to the Investigating officer affirming therein that he has no passport or that he will seek prior permission of the Investigating agency/concerned Court before leaving country.

6. Learned State counsel further pointed out that petitioner is involved in two other cases of similar nature i.e. (i) FIR No. 156 dated 13.10.2023, under Section 21(1) 4(1) of Mines and Minerals (Development and Regulations) Act, 1957, registered at Police Station Nangal, District Rupnagar; (ii) FIR No. 159 dated 17.10.2023, under Section 21(1) 4(1) of Mines and Minerals (Development and Regulations) Act, 1957 and Section 379, 188, 411, 414, 418, 420, 447, 120-B IPC, registered at Police Station Nangal, District Rupnagar.

7. After considering the facts in its entirety and the statement made by counsel for the petitioner that in compliance of the order of this Court dated 17.01.2025, petitioner has joined the investigation and the ordered amount of Rs.1,00,000/- (Rupees one lac only) has also been deposited by him. This Court deems it appropriate to allow the present

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petition and ad-interim order dated 17.01.2025, passed by this Court is hereby made absolute.

8 However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

9. 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.

10. Disposed of.

27.02.2025
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(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**