

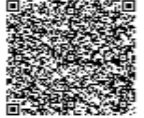
CRM-M-9564-2025
Date of Decision: 22.05.2025

...Respondent

FIR No.	Dated	Police Station	Sections
95	07.08.2022	Sri Anandpur Sahib, District Rupnagar	21(1), 4(1) of 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. Vide order dated 19.02.2025, the petitioner was granted interim bail, which continues to date.
3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1) which reads as follows:

"To The Station House Officer, Shri Anandpur Sahib Subject: Regarding the complaint received about illegal mining. In connection with the subject cited above, the site was inspected today on 7.8.2022 at village Kahiwal. The mining done at the site was inspected. According to the measurement the draining of about 400 CFT was found and after excavating 3136 CFT material was stocked. No machinery was found on the spot. Apart from this, the video was shared by the complainant, in which a tractor-trolley was seen loaded with material in which the tractor number was HR-49A-8187 During my visit, the Sarpanch and Numberdar of the village were contacted but they did not appear at the spot. Hence, it is written that after investigating the whole matter and finding out the names of owner of mining land, the appropriate action may kindly be taken under section 21(1), 4(1) as per Government of India approved Mining and Mineral Act (Development & regulation Act) 1957 and the NGT's Notification dated 19.02.2020."



4. The petitioner's counsel prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

5. The State's counsel opposes bail on instructions.

REASONING:

6. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although 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 the same for the bail stage.

7. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

8. The petitioner is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. 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.

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

10. **Petition allowed** in terms mentioned above. Interim order dated 19.02.2025 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.05.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.