



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

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CRM-M No.10929 of 2025
Date of decision: 04.04.2025

GURBHEJ SINGH**.... Petitioner****Versus****STATE OF PUNJAB****.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Lalit Pathak, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case of FIR No.28 dated 04.03.2023 registered under Sections 307, 353, 186 and 379 of IPC and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957 (For short "Act, 1957") (Section 307 of IPC deleted subsequently) at Police Station Meharban, District Ludhiana.

2. Vide order dated 27.02.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 27.02.2025, passed by this Court, reads as under:

"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 case arising out of FIR No.28 dated 04.03.2023 registered under Sections 307, 353, 186 and 379 of IPC and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957 (For short "Act, 1957")



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(Section 307 of IPC deleted subsequently) at Police Station Meharban, District Ludhiana.

The aforementioned FIR has been registered on the allegations that on 04.03.2023, a team consisting of officials of Mining Department as well as some police officials had gone to Villages Dhanasu and Bhukhri for patrolling purpose. Two different teams had been formed. One team discovered vehicle bearing registration No.PB-10-HL-1528 make TATA filled with sand. It was also found that illegal mining by digging earth to the extent of 25 to 30 feet had been made. Four other Tata vehicles and JCB machine were found at the spot. The second team also found two JCB machines in the area. However, that JCB machine had been taken away by some unknown person at the time of raid itself. Those persons were tried to be stopped but managed to flee by extending threats to open fire upon the members of the Mining team. It was revealed that the area belonged to public mining site of Village Bhukhri owned by some residents of Village Dhanasu. A case under Section 21 of Act, 1957 and Section 379 of IPC was registered. Investigation proceedings have been initiated and are underway. During the course of investigation, it was revealed that the petitioner was the driver of one of the Tippar. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned



Additional Sessions Judge, Ludhiana vide order dated 15.02.2025.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The vehicle of which he was the alleged driver has already been recovered. A false case has been planted upon him. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. All the other co-accused have been extended benefit of pre arrest bail. Therefore, it is urged that he deserves to be extended the same benefit.

Notice of motion.

Ms. Himani Arora, AAG, Punjab has advance notice of the petition. It is admitted by her that offence under Section 307 of IPC was deleted during the course of investigation. It is, however, argued that there are serious allegations against the petitioner. Therefore, he does not deserve to be granted benefit of anticipatory bail.

Adjourned to 04.04.2025.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within ten days or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall



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also abide by the conditions as envisaged under Section 482(2) of BNSS.

It would, however, be open to the learned Assistant Advocate General, Punjab to file a reply indicating the involvement of the petitioner and all aspects would be considered at the time of final adjudication of the matter.”

3. Status report dated 03.04.2025 filed on behalf of respondent-State is taken on record.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 07.03.2025, however, further submitted that there are serious allegations against the petitioner, therefore, for conducting proper investigation in the matter, his custodial interrogation is required.

5. Since the petitioner has joined the investigation, given the nature of allegations, pre trial incarceration of petitioner is not required. Keeping in view the above mentioned facts and circumstances but without commenting on the merits of the case, the present petition is allowed and the order dated 27.02.2025, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

04.04.2025
Jyoti-IV

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