



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-14556-2025
Decided on : 21.03.2025

Balvir Kumar @ Balvir Singh . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Amrik Singh, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Balvir Kumar @ Balvir Singh	86	14.07.2024	21(1) and 4(1) of the Mines and Minerals (Development and Regulation) Act, 1957	Nangal	Rupnagar

2. As per the case of the prosecution, petitioner – Balvir Kumar @ Balvir Singh, has taken a Poclain machine on leasehold basis from its owner – Ram Bhaj, for the period 10.10.2021 to 10.10.2024. Said Poclain machine was found parked near to the mining area, however, there is no allegation that at the time of recovery of machine, same was found to be digging out sand/minerals.

3. Counsel for the petitioner submits that only on the basis of



doubt and despite there being no specific notification by the Government, prohibiting the parking of the vehicle near to the pit or to the mining area, directly, it cannot be assumed that petitioner is involved in any such activity.

Counsel also points out that the offence is triable by the Court of Ld. Magistrate and the recovery of Poclain machine has already been effected, therefore, further custody of the petitioner will not be of any use for the prosecution, more for the reason that after completion of investigation, challan has already been filed.

Therefore, counsel prays for grant of concession of regular bail to the petitioner.

4. On advance notice, learned State counsel puts in appearance and submits that petitioner is involved in one more case of similar nature. However, there is no denial that in the said case, petitioner has already been granted concession of bail. Apart this, learned State counsel is not in a position to dispute any of the factual contentions addressed by the petitioner's counsel.

5. After hearing the learned counsel for both parties and carefully perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by the learned counsel for the petitioner. Furthermore, as the trial is yet to commence and its conclusion is likely to take considerable time, the Court deems it appropriate to consider all aspects of the matter.

6. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed here-above, I deem it appropriate to grant the concession of bail to the petitioner.



7. Consequently, prayer made in the present petition is **allowed**.
Petitioner is ordered to be released on bail, subject to his furnishing
bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial
Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in
any other case.

8. Needless to observe that the petitioner shall not extend any
threat and shall not influence any prosecution witness in any manner directly
or indirectly.

9. The observation made here-above shall not be construed as an
expression of opinion on the facts of the case and the Trial Court is expected
to decide the case on the basis of complete evidence available on record.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

March 21, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*