



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-14418-2025
Decided on : 01.04.2025

Anil Sharma . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gaurav Sharma, Advocate
for the petitioner(s).

Mr. V.K. Malhotra, 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
Anil Sharma	116	09.08.2023	21(1), 4(1) of Mines & Minerals (Regulation of Development) Act, 1957	Nangal	Rupnagar

2. While arguing the petition, counsel for the petitioner submits that as per the allegations, following vehicles were found doing illegal mining on the spot, the details of which are as under:-

- (i) Poclain, JCB, Yellow Color J2205LC (Eco);
- (ii) Tipper, Ashoka Layland White color (Sr. No.20L28821/MM90000253); and
- (iii) Tipper Tata White color PB-65AX-2119

3. Learned counsel submits that first two vehicles mentioned at Sr. No.(i) and (ii) of the FIR belongs to the petitioner, as he is owner of the same. Further submits that even as per the allegations, it cannot be



ascertained whether petitioner was present on the spot or not, and mere recovery of the vehicles, as indicated in the FIR would not constitute the alleged offence against the petitioner.

Counsel further submits that there is no description in the FIR, as to who was driving the vehicles, which were noticed there on the site doing illegal mining. Therefore, the story seems to be concocted one, only to involve the aforesaid vehicles as case property, which in fact, is the source of livelihood of the petitioner.

4. Counsel also submits that in an another case of similar nature i.e. FIR No.88, dated 03.07.2023, registered under Section 379 of IPC and Sections 21(1), 4(1) of the Mines and Minerals (Regulation of Development) Act, 1957, registered at Police Station Nangal, District Rupnagar, petitioner has been granted concession of regular bail by the Coordinate Bench of this Court, vide order dated 21.03.2025, in CRM-M-14582-2025 (O&M), titled as, “**Anil Sharma v. State of Punjab**” (Annexure P-7).

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

5. 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 regular bail. Apart this, learned State counsel is not in a position to dispute any of the factual contentions addressed by the petitioner’s counsel.

6. 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 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.

In addition, in an another case of similar nature, petitioner has already been granted concession of regular bail.

7. 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.

8. 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.

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

10. 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.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

April 01, 2025

J.Ram

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