

2025:PHHC:061386



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

211

**CRM-M No.13995 of 2025
Date of decision: 08.05.2025**

Jaswinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. G.S. Verma, Advocate,
for the petitioner.

Ms. Himani Arora, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner 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”) (Section 307 of IPC deleted subsequently) at Police Station Meharban, District Ludhiana.

2. 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

2025:PHHC:061386



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 Tipper. 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 25.02.2025.

3. 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.

4. Status report has already been filed by the respondent-State. It

2025:PHHC:061386



is argued by learned Assistant Advocate General, Punjab that there are serious and specific allegations against the petitioner. He was driver of a tipper vehicle bearing No.PB-08-EL-8933 which was recovered from the spot. To unravel the truth and modus operandi adopted by the petitioner to commit the subject crime, to elicit information about the identity of other accused involved in the illegal mining and extent of such illegal minning as done by the petitioner, his custodial interrogation is must. Accordingly, it is argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have done illegal minning by using a tipper vehicle which was driven by him. The said vehicle already stands recovered. The offence under Section 307 of IPC was deleted during the course of investigation as admitted by the learned Assistant Advocate General, Punjab. Given the nature of the allegations, the pre trial incarceration of the petitioner is not required in the considered opinion of this Court. As such, without commenting on the merits of the case and in the circumstances peculiar to this case, the petitioner makes a case for release on pre arrest bail. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrendering before the Investigating Officer/Arresting Officer within a period of ten days from the date of passing of this order and shall join investigation and on his surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing

2025:PHHC:061386



personal/surety bonds to its satisfaction and subject to the following conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer as and when required.
- (ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) He shall not commit any similar offence while on bail.
- (iv) He shall not leave the country without prior permission of the Court.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

08.05.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No